I wish it clearly understood, however, that nothing I have here said is to be construed as changing the main line of argument of my speeches, to wit, that the Baltimore platform did not contemplate or provide for free sugar.

THE TARIFF—PANIC OF 1893.

Mr. THOMAS. I desire to give notice that at the close of the morning business to-morrow I shall speak upon House bill 3321 and the relation of the Wilson Tariff Act to the panic of 1893.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 15, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate July 14, 1913.

SECRETARIES OF LEGATIONS.

H. F. Arthur Schoenfeld, of the District of Columbia, now third secretary of the embassy at Constantinople, to be secretary of the legation of the United States of America to Paraguay and Uruguay, vice Richard E. Pennoyer, nominated to be secretary of the legation at Lima.

Richard E. Pennoyer, of California, now secretary of the legation to Paraguay and Uruguay, to be secretary of the legation of the United States of America at Lima, Peru, vice Alexander R. Magruder.

COLLECTOR OF INTERNAL REVENUE.

Charlton B. Thompson, of Kentucky, to be collector of internal revenue for the sixth district of Kentucky, in place of Maurice L. Galvin, superseded.

RECEIVER OF PUBLIC MONEYS.

Charles A. Mansfield, of Williston, N. Dak., to be receiver of public moneys at Williston, vice Minor S. Williams, term expired.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Robert T. Menner to be a lieutenant commander in the Navy from the 15th day of June, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Richmond K. Turner,
Henry F. D. Davis,
Eugene E. Wilson,
Francis T. Chew,
William R. Munroe,
John F. Shafroth, jr.,
Walter L. Heiberg,
Charles L. Best,
Allan G. Olson, and
John C. Jennings.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 7th day of July, 1913:

William H. Massey, citizen of Nevada, and
David S. Hillis, citizen of Illinois.

Carpenter Theodore H. Scharf to be a chief carpenter in the Navy from the 19th day of April, 1913.

Asst. Surg. Joseph J. A. McMullin to be a passed assistant surgeon in the Navy from the 28th day of March, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 14, 1913.

CONSULS.

North Winship to be consul at Owen Sound, Ontario, Canada.
Nathaniel B. Stewart to be consul at Milan, Italy.

ASSISTANT APPRAISERS OF MERCHANDISE.

James Fay to be assistant appraiser of merchandise in the district of New York.

Frank S. Terry to be assistant appraiser of merchandise in the district of New York.

COLLECTOR OF INTERNAL REVENUE.

Edward J. Lynch to be collector of internal revenue for the district of Minnesota.

DEPUTY COMMISSIONER OF PENSIONS.

Edward C. Tieman to be Deputy Commissioner of Pensions.

POSTMASTERS.

COLORADO.

Clark Cooper, Canon City.

MICHIGAN.

George B. McIntyre, Fairgrove.
Perry H. Peters, Davison.
Harry L. Shirley, Galesburg.
John J. Sleeman, Linden.

TENNESSEE.

O. L. McCallum, Henderson.

SENATE.

TUESDAY, *July 15, 1913.*

The Senate met at 2 o'clock p. m.

The Rev. Collins Denny, D. D., of Richmond, Va., bishop of the Methodist Episcopal Church South, offered the following prayer:

O Lord, we acknowledge Thee as the God of our fathers. We thank Thee for the way in which Thou hast led this people. We pray Thee to keep us mindful of the fact that we are constantly needing Thee. Show us the weakness which is so characteristic of us, how readily we yield to temptations to which we are subjected, how greatly we need what Thou alone canst give to us.

And now grant to the men who are here in large and responsible positions all the help they need to fulfill the obligations that rest upon them. And grant also to the people whom they represent that they may be moved with the right spirit to give support and encouragement and loyal fealty to those who are here representing in the Capital of the Nation the great affairs of this people.

Above all, we pray Thee that Thou wouldst make us Thy people, a people after Thine own heart, free from the evil that tears down national life, and clothed with the righteousness that gives perpetual existence to the people who follow after Thee.

May the blessing of God rest richly upon every Member of this Senate, upon the entire National Government, upon the whole people. We ask for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CHARLOTTE J. HUSTED AGAINST THE UNITED STATES (S. DOC. NO. 133).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Charlotte J. Husted, widow of Henry Husted, deceased, *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MAY STANLEY.

Mr. BRYAN. I am directed by the Committee on Claims to report back favorably without amendment the bill (S. 1644) for the relief of May Stanley, and I submit a report (No. 81) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I should like to know from the Senator what the claim is and upon what basis a payment is asked.

Mr. BRYAN. Mr. Stanley was superintendent of the Indian reservation. There is a very full report prepared by the supervisor sent to investigate the matter.

Mr. GRONNA. We can not hear the Senator on this side.

Mr. BRYAN. I say, the bill is based upon the death of the superintendent of an Indian reservation. The appropriation for the amount carried in the bill was incorporated in the Indian appropriation bill and passed by the Senate, but it was stricken out in conference.

The facts, briefly stated, are that Stanley, the superintendent, when on a visit to the reservation, was murdered. Five or six Indians were tried and convicted for the murder. It seems from this very full report that some of them had formed a conspiracy to murder the superintendent when he came to the reservation. Mr. Stanley lingered after having been shot for 8 or 10 hours. He was attended by physicians and every attempt possible was made to save his life, but he died. The bill includes an appropriation to pay the physicians.

Mr. SMOOT. The House objected to the insertion of it in the appropriation bill?

Mr. CLAPP rose.

Mr. BRYAN. The Senator from Minnesota can state fully about the matter.

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Minnesota?

Mr. BRYAN. Certainly.

Mr. CLAPP. The only objection to it was on the ground that it did not belong to the Indian appropriation bill. It has passed the Senate twice. I put it on the Indian appropriation bill, I know, after conference with the chairman of the Committee on Claims of the Senate, and it passed the Senate, but the House conferees objected to it. They had no objection to it except that they objected to its being on the Indian appropriation bill. It is a very meritorious case.

Mr. BRYAN. I wish to say to the Senator from Utah that I realize it is a bill out of the ordinary, but it strikes me, as it did the other members of the committee who examined the bill, that it is one of those unusual cases which deserve and demand unusual treatment. If the bill is passed, I will ask consent to have incorporated in the RECORD the report of the supervisor, so that it may not be taken as a precedent in all cases.

Mr. SMOOT. The passage of the bill by the Senate is not going to hasten the passage of the bill in the House. Therefore I object to the consideration of the bill.

Mr. CLAPP. Will the Senator withhold his objection for a moment?

Mr. SMOOT. Certainly.

Mr. CLAPP. I wish to say to the Senator that near the end of the calendar there are two or three measures which will defeat the passage of calendar measures beyond that point undoubtedly for the balance of the session. I do not believe that this or any other bill that goes below the last railroad measure on the calendar will be reached on the calendar in regular order at the present session. I hope the Senator will withhold his objection. It is a very. meritorious matter.

Mr. SMOOT. I should like to ask the Senator if the Claims Committee of the House is even organized as yet?

Mr. JONES. Yes.

Mr. CLAPP. I am advised that it is.

Mr. WORKS. Mr. President, I hope the Senator from Utah will not insist upon his objection to the consideration of the bill. I am quite familiar with the circumstances. This woman was left with two or three small children and is in need. If the bill is to be passed, it is important that it should be passed as soon as possible. I see no reason why it should be delayed. It is a meritorious claim that I think the Government ought to recognize, and recognize promptly.

Mr. SMOOT. I should like to ask the Senator from California what responsibility the Government has for the killing of this man?

Mr. WORKS. It has no responsibility except that he was in the regular performance of his duty, and he was shot down while he was performing his duty. If that does not give rise to a case where the Government ought to recognize the claim of his widow and children, I do not know how you can find one where it would be just and proper that it should allow the claim. It seems to me to be a just claim.

Mr. SMOOT. Does the Senator take the position that in the case of every employee of the Government killed while in the employ of the Government his family should be paid by the Government?

Mr. WORKS. No; not necessarily; but the circumstances surrounding this transaction are such that it seems to me the Government ought to recognize this claim. It is a matter of justice.

Mr. SMOOT. These are the circumstances I wanted to know something about. If the Government is responsible, I am perfectly willing that the claim should be paid; but if the Government is not responsible, I do not see why the precedent should be established.

Mr. WORKS. I think that the precedent has been established in a good many cases already, and if there ever are cases where the Government ought to make an allowance, it seems to me that this is one of them.

Mr. SMOOT. I will ask the Senator if he knows how much the claim is for?

Mr. WORKS. The chairman of the committee can state the amount.

Mr. BRYAN. I did not understand the Senator.

Mr. SMOOT. What is the amount of the claim?

Mr. BRYAN. Five thousand dollars for the widow, and not to exceed $1,000 for the services of the physicians.

Mr. SMOOT. Mr. President, there is a law on the statute book now which provides that the families of all employees on the Panama Canal who lose their lives shall be paid one year's salary. The Committee on Claims in the past has followed that rule pretty closely. In this case they are going outside of the rule entirely and giving $5,000 to the widow, and an additional amount for each child, I understand.

Mr. CLAPP. No.

Mr. BRYAN. Mr. President, this is a very different case from those. This man Stanley had reason to believe, and undoubtedly did believe, that he was risking his life when he went upon that reservation. He was ordered to go there, and he did go, and in the performance of that hazardous duty to the Government he was shot down in cold blood by the wards of the Government.

It seems to me that that is a different case from one where a man is in a peaceful pursuit, where the dangers are not so great. If the Senator from Utah will read this record he will see that several minutes before Stanley was killed he became aware of this conspiracy. Even the night before he was killed he was invited to go to the schoolhouse. They wanted to discuss matters with him. He refrained from going there. He met them in the schoolhouse the next morning. He made a request of one of the Indians to remain and discuss with him a question with reference to a place where a road had been placed across the reservation. He told him that he wanted to discuss that matter with him. This Indian told him, in effect, that he did not care to talk with him about it, and walked out. Stanley told the Indian to come back, that he wanted to talk to him. He refused to come, and then Stanley went outside of the door and was shot down. One or two others with Stanley were shot, but not killed. Five or six of these Indians were convicted of the murder. The case shows that a conspiracy existed to murder this superintendent.

Now, that is not the usual ordinary case of a man who by misfortune is injured or loses his life while engaged in a public work.

Mr. SMOOT. How long had Mr. Stanley been superintendent of the Indian reservation?

Mr. BRYAN. I do not remember. I do not think the report shows.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Idaho?

Mr. SMOOT. The reason why I asked the question is because the Senator said Stanley was ordered to go to that Indian reservation, and that in compliance with that order he lost his life.

Mr. BRYAN. Yes.

Mr. SMOOT. Knowing that in going there he took a hazardous risk.

Mr. BRYAN. Oh, undoubtedly.

Mr. SMOOT. I should like to have the Senator explain in what way it occurred.

Mr. BRYAN. The report is quite long.

Mr. SMOOT. We have not had a chance to read the report.

Mr. BRYAN. If the Senator wants to discuss it, we can do that, or he can object to the consideration of the bill.

Mr. BORAH. Mr. President, is the debate on the bill proceeding under unanimous consent?

Mr. BRYAN. It is. It has not been obtained yet.

The VICE PRESIDENT. The request has not yet been granted.

Mr. BORAH. I should like to know whether the Senator from Utah is going to object to it or not.

Mr. SMOOT. From what I have already heard, I feel like objecting to the bill until the report is either read or some one has had a chance to explain it.

Mr. BORAH. I understand the bill comes from the committee with a unanimous report.

Mr. SMOOT. There is nothing before the Senate to show that, Mr. President.

Mr. BORAH. The only thing that I rose to learn is whether objection is made, so that we may know whether we are to go on with the debate or whether the bill is to go over.

Mr. SMOOT. I think I have a perfect right to ask the Senator from Florida questions in relation to the bill. If not, I shall certainly object to its consideration and let it go over, so that I can read the report myself.

Mr. CLAPP. If the Senator will yield, I suggest that at least that portion of the report which embodies the recommendation of the department be read. It will take only a moment.

Mr. CLARKE of Arkansas. Mr. President, before that is done I desire to address an inquiry to the Senator from Florida. Out of what fund is it proposed to pay the amount appropriated by this bill—out of a fund belonging to the Indians and in the possession of the Government or out of the revenues of the Government of the United States?

Mr. BRYAN. The bill provides for the payment to be made out of the general revenues of the United States.

Mr. CLARKE of Arkansas. If there is any fund in the United States Treasury to the credit of that particular tribe, the

amount ought to be paid out of that particular fund. It ought not to be made a liability against the general revenues of the Government, and thereby set a precedent which will be continually returning here as a foundation for doing things that ought not to be done. If the Indians entered into a conspiracy to murder the superintendent of the reservation or of the school, whatever loss or inconvenience results from that ought, for its correctional value, to be suffered by the Indians.

I do not think it would be a just disposition of the matter to make the United States Government pay the amount called for out of the Treasury if the Indians have any money to their credit.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Florida a question. There is provision for an appropriation of $1,000 for a physician's services, as I understand.

Mr. BRYAN. It is not to exceed a thousand dollars.

Mr. SHAFROTH. Is there any information as to how much those services were worth?

Mr. BRYAN. I can state to the Senator the amount of the bills rendered. It was $900.

Mr. SHAFROTH. If the superintendent died within eight hours after being shot, is not that a pretty high price for the services of a physician?

Mr. BRYAN. I think so; but I will read to the Senator what the officer of the Government who made the examination reports:

Physicians were summoned to the aid of Supt. Stanley and Selso Serrano, as follows: Dr. Martin, from Riverside; Dr. C. E. Arnold, of San Jacinto; and Dr. Straufer, of San Jacinto. They made the trip in the night over the mountains by automobile and have submitted bills as follows, for which legislation should be secured to cover:

Dr. Martin	$500
Dr. Arnold	250
Dr. Straufer	150

The bill reported to the Senate does not bind Congress to pay that amount, but to pay so much of it as may be necessary to satisfy those claims. I apprehend that if the bills are too large the department will not pay them.

Mr. SMOOT. Mr. President, this bill can be taken up some other day by unanimous consent. If the report and the bill are all right, I certainly shall not object, but I do want to read the report. Therefore I object to the consideration of the bill at this time.

The VICE PRESIDENT. Being objected to, the bill will go to the calendar.

Mr. BRYAN. I ask that the report of the supervisor be printed in the RECORD, so that Senators interested in the matter may have an opportunity to examine it.

The VICE PRESIDENT. The report and bill will be printed in the RECORD.

The bill and report are as follows:

A bill (S. 1644) for the relief of May Stanley.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to May Stanley, widow of Will H. Stanley, late superintendent of the Soboba Indian School, in California, who lost his life in the discharge of his duty; also to pay for medical and other necessary expenses, including funeral and administration expenses, incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

REPORT OF SUPERVISOR FRANK H. THACKERY IN RE THE MURDER OF SUPT. WILL H. STANLEY.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Carson School, Stewart, Nev., June 21, 1912.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In compliance with the instructions of your telegram of May 4, which reads in part:

"Submit detailed report giving all facts, including information why Indians refuse to recognize Government authority, and make recommendations regarding best mode of handling situation, and cooperate with United States attorney in vigorous prosecutions of parties involved in shooting, which report should contain sufficient information for department to take action for requesting congressional relief of family of Stanley and payment of medical bills of Stanley and policeman."

I arrived at the Soboba School on the morning of May 3. On May 4 I visited the Cahuilla Day School in company with Special Officer B. B. De Crevatieur and carefully investigated the situation there with especial reference to whether or not the Indians had been supplied with intoxicants on the evening prior to the murder of Supt. Stanley. Practically all of the Cahuilla Indian men were absent from the reservation at the time of this visit. I found no satisfactory evidence of the introduction of intoxicants. Five or six of the Indian men were in Riverside, where they had gone to consult with their attorney, Mr. Miguel Estudillo. The other Indians had apparently gone into the mountains fearing arrest, or possibly to the other reservations to notify their friends of the killing of Mr. Stanley and of the need of united action.

GOVERNMENT AUTHORITY OVER INDIANS.

These Cahuilla Indians have been trouble makers for many years, and it appears that they have never had superintendents or agents with whom they could agree. They have continually refused to recognize the authority of the Federal Government over them or over their landed or other property in which the Government has an interest. The better educated members of the malcontent element of these people are shrewd enough to cunningly assert that they are friendly to the Government, etc., and that their objection is against the men sent by the Government, who they claim are arbitrary and tyrannical and will let them have no voice whatever in the management of their affairs. This, however, is a mere pretext, and the real objection is unquestionably one against the authority of the Government over them rather than against any particular superintendent who has been sent to them. They have for a long time claimed the right to govern themselves, giving as their reasons the fact that they occupied this particular country prior to the coming of the white man, and that inasmuch as they and their ancestors have occupied this country for generations they are now unwilling to have the white people come in and exercise any authority over them or their property.

There are only about 30 families of the Cahuilla Indians now living on the reservation, which was set aside by an Executive order of President Grant under date of December 27, 1875. Of these 30 families, it is safe to say that 25 of them are opposed to the exercise of any Federal authority over them. They are a stubborn, independent, and self-confident people. Many of them speak English, and all speak Spanish. They possess that degree of politeness common to the Mexican people with whom they have been associated for many years. The first impression of them, therefore, either individually or collectively, and especially by anyone not connected with the Government, is likely to be favorable.

As suggested above, they have been dissatisfied with and complained of every superintendent or agent sent them by the Government. They have been outspoken in their threats against various officials of the Government, and it is reported that on one occasion they required the superintendent or teacher in charge at Cahuilla to remove a fence which he was building about the day-school premises to a point designated by them; on another occasion, when the person in charge was digging a vault for an outhouse, they required that it be filled up and dug in another place designated by them. Unfortunately these demands appear to have been complied with, even though it was apparent that the only object back of the demands was that of showing and establishing the authority which they claimed to have over the whole reservation. On another occasion they held Supt. Francis A. Swayne in his office by force for a considerable length of time attempting to intimidate and coerce him into complying with some similar request from them.

The extent or persistence of their objection to any particular superintendent appears to have been in exact proportion to the effort put forth by the superintendent in his endeavor to carry out the policy of the Government for their moral, intellectual, and industrial advancement.

LEONICIO LUGO.

For several years these Cahuilla Indians have been under the very unfortunate leadership of one Leonicio Lugo, a full-blood member of their tribe. Mr. Lugo speaks and writes the English language very well. It is perfectly apparent that his only aim is to make himself a chief or leader of all of the Mission Indians of southern California, and that he is attempting to accomplish this by uniting and securing the active support of those who have very properly been termed the "malcontents," which comprises that element of the various bands of Mission Indians who are opposed to Federal jurisdiction over their affairs. These malcontents came very prominently into existence about the time that the various superintendents of the southern California jurisdictions united, under suggestion from your office, in an earnest and energetic effort to put a stop to the unlawful liquor traffic then so common amongst these Indians, and also to stop gambling at the frequent gatherings commonly known among these Indians as "fiestas." These fiestas have been held with increasing number and interest amongst the Mission Indians for many years, and the principal feature of the fiesta appears to have been gambling in various forms. It was, therefore, and still is, particularly desirable that this degrading, improper, and unlawful practice should be stopped, and the various superintendents amongst these Mission Indians have put forth commendable effort to this end, some of them by permitting the gathering under the name of fiesta, but substituting amusements other than gambling and drinking. These Indians are natural-born gamblers, and many of them fond of intoxicants, and many of them naturally resent the action of the various superintendents in preventing these unlawful practices.

This Mr. Leonicio Lugo has been shrewd enough to grasp the opportunity, and has made it a point to visit these fiestas or other gatherings of the Indians for the purpose of uniting the malcontent element as his followers.

Since his visit to Washington about two years ago he has made all sorts of misrepresentations to these Indian people, attempting to convince them that he was able to accomplish wonders for them on this visit. As an illustration of this, the day-school teacher at Cahuilla, Mr. Carl Stevens, advised me that among other things Mr. Lugo represented upon his return that while in Washington he found out that Supt. Stanley had assisted the white people surrounding the Cahuilla Reservation in stealing from the Indians a large part of their original reservation, whereas the reservation is exactly the same to-day as it was on December 27, 1875, when set aside by President Grant. Mr. Lugo has also made many misrepresentations with reference to promises made to him while in Washington. For instance, he has claimed that the President had promised that the Cahuilla Indians should be given full title to their reservation and that they would be allowed to make their own laws and govern themselves. It is evident that Mr. Lugo failed to secure favorable action in any of the things which he claimed he could accomplish for his people, and that he has manufactured such statements as these in the hope that he can retain and increase his influence over the Mission Indians.

Mr. Lugo presents a very good appearance, but I am convinced, along with those superintendents who know him best, that he is unscrupulous, dishonest, and lazy. He has no property and cultivates no land and lives in one of the most miserable huts I have ever seen occupied by a human being. He might properly be referred to as a cancer on the Indian community for he lives almost entirely upon the labors of others and is not in any sense a producer of anything good, although he is strong and able-bodied.

It is this Leonicio Lugo who is indirectly responsible for the acts of disobedience and insubordination to former Supt. Francis A. Swayne, as set out in his letter to your office of March 20, 1911, "Education superintendencies 102298–1–1910, 12487–6–1911, inspection, F. L. S." He is the moving spirit in opposition to real progress amongst the Indians and in the open and surprising defiance of authority. To him can be traced a large part of the troubles between the superintendents and the Indians, not only of the Soboba jurisdictions, but also of the

other southern California jurisdiction, and finally, it is he who is indirectly responsible for the cold-blooded murder of Supt. Will H. Stanley. It may be that sufficient evidence can not be brought to light to convict Mr. Lugo before a court of justice, but the fact remains that he is the one who has put discontent, disloyalty, insubordination, and defiance of authority, and, I believe, murder into the minds of these people by malicious misrepresentations. He has first encouraged and later insisted that the Indians resist the authority of the superintendents and that they recognize him (Leonicio Lugo) as their supreme authority. He has even ordered the other Indians not to consult with their superintendents except through him, and he has been able to enforce this order to a considerable extent. I say, then, that these Indians were not opposed to Mr. Stanley personally, but through the efforts of Mr. Lugo they had become bitterly opposed to the authority of the Federal Government over them, and the local superintendent being the medium of expression between the Government and the Indian people, they have given expression to this opinion by defying the authority of every agent and superintendent sent to them by the Government, and finally, by the murder of Supt. Stanley, who, I can assure you, was a true friend of the Indians. I knew him well. He was of a very kindly, congenial, and happy disposition. He was efficient, loyal, and absolutely honest and was full of life and energy.

The esteem in which Mr. Stanley was held is very well shown in the various newspaper accounts of the San Jacinto Register of May 9, 1912, copy of which I submit marked "Exhibit A." He was not afraid to do his duty, no matter how trying or serious the circumstances might be, but with this he was cautious and diplomatic and entirely reasonable. His attitude toward the Cahuilla people, and particularly toward Mr. Leonicio Lugo, is clearly shown in his various communications addressed either to your office or to Mr. Lugo, copies of which were furnished you in Supt. Stanley's reply to the charges made by Mr. Lugo under date of October 25, 1911. These charges on the part of Mr. Lugo close with the following paragraph:

"I have attached affidavits here substantiating these charges, and we respectfully ask you to send us some other superintendent. We are a peaceful people and we want to obey all the rulings of your department, but we are crying out for redress and deliverance from the man you have placed over us."

The following is a true copy of a letter addressed by Mr. Lugo in his own handwriting to former Supt. F. A. Swayne, then of the Cahuilla Reservation, and further shows the attitude of Mr. Lugo in the matter of authority over these Indian people. The original letter, along with a number of others herein referred to, has been transmitted by me to the United States attorney for his use in connection with the trial for the murder of Supt. Stanley. This letter is as follows:

CAHUILLA, *December 16, 1910.*

Mr. F. A. SWAYNE.

DEAR SIR: You know yourself I am appointed here as the captain for the people and I have to do my duties upon the reservation as long as the people want me the captain for.

Very respectfully,

Capt. LEONICIO LUGO.

In his reply to the charges of Leonicio Lugo, Supt. Stanley states:

"I have the honor to herewith make the following explanations, taking up the letter of Leonicio Lugo first. Mr. Lugo states that 'We are willing to get along with any man who will treat us fairly and who will have patience to deal with us as we think we should be dealt with. We are not asking very much, only to be allowed to elect our own captain and our own judges, and to be allowed to remain on the lands that our forefathers lived on for generations past, given long before the white man ever coveted our country.'

"In reply, I respectfully refer to my letter to office under date of September 5, 1911, telling of my visit to Cahuilla—the reservation on which said Leonicio Lugo resides—and to inclosed letters of Lugo, and his replies, relative to the selections of their captains and their judges."

Mr. Lugo shows his determination to rule or ruin by his statement, "We are willing to get along with any man who will treat us fairly and who will have the patience to deal with us as we think we should be dealt with."

I was unable to secure copies of all of the letters referred to. However, I attach copies of all that I was able to secure, marking them "Exhibit B." Supt. Stanley continues, in his explanation of these charges, as follows:

"The facts stand out prominently that this Lugo does not desire to keep his word in this instance, but wishes to go away back into ancient history when the word of their captain and judge was law, and when these officers brought up any one of their people for any crime, either of omission or commission, and found them guilty and assessed them severely and divided the fine or spoils between them. This is a custom that Lugo and the older people are fighting for, and which this office has taken a decided and firm stand against, urging the election of these reservation officers, but also stipulating that these officers must abide by the regulations of 1904 and any other instructions that the office sent out, your regulations being the predominant law and order and not that of the tribal officer. The younger generation who have been off to school do not acquiesce in this matter unless they are frightened into it by the older people."

The strongest enemies of Leonicio Lugo amongst the Mission Indians are the returned students or educated and prosperous Indians.

Both the correspondence and my personal observations, as well as the expressions of other officials and private citizens who knew Mr. Stanley best, show clearly that he has always been a true and conscientious friend of the Indian. He was always for progress, but when he came across an obstacle to progress, as in the case of Leonicio Lugo, he was patient and sympathetic and did everything possible and within reason to win him over and enlist him also as a friend of progress and of the best interests of the Indian people. Mr. Lugo, however, has shown himself to be an impostor and anything but a true friend of his own race, which he represents himself to be. He might be partially excused for some of his acts if he were an uneducated Indian, but such is not the case. He knows the ways of the world well, but nevertheless he has been persistent in his actions which are intended to unite all of the Mission Indians of southern California in an attempt to overthrow the authority of the Federal Government over them, and all in order that he may have a little temporary fame, but more particularly to enable him to collect "easy money" from his fellow tribesmen.

THE MURDER.

After consideration of the charges made by Mr. Lugo and the answers thereto by Supt. Stanley, your office, by letter, "Education, law, and order, 4174–1912, F. L. S.," dated February 20, 1912, exonerated Supt. Stanley, and inclosed a letter therewith to Mr. Lugo, which was transmitted by Supt. Stanley to Mr. Lugo on February 26, 1912, by letter, a copy of which I attach hereto and marked "Exhibit C."

It is rather significant that it was on the first visit of Supt. Stanley to the Cahuilla Reservation after the receipt of this office letter by Leonicio Lugo that he was murdered. I am unable to secure copies of either the office letter to Supt. Stanley or to Mr. Lugo.

On April 27, 1912, Supt. Stanley sent the following message:

PEDERSEN, *Expert Farmer, Thermal, Cal.:*

Your letter 24th. Expect to leave for Cahuilla Wednesday next. Better come in Tuesday.

STANLEY, *Superintendent.*

On April 28, 1912, he wrote the following letter:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
SOBOBA INDIAN SCHOOL,
San Jacinto, Cal., April 28, 1912.

Mr. JOHN LARGO,
Indian Police, Cahuilla Reservation, Cahuilla, Cal.

FRIEND LARGO: I expect to come up Wednesday next if nothing unforeseen happens. Please find out where all of the Government bulls are at Cahuilla so that we may brand them when I come up. Get two or three men to assist us. I will not be able to pay them anything for the work, but I think they ought to be willing to help for the use of the cattle. Selso will be up with me along with David and Jose Juan, and I think we can take care of the bulls all right. I received the $20 from Mr. Stevens all right and want to thank you for the favor. Tell Mr. Stevens that I will be up next Wednesday and that I would write him, but I have not time before mail to-day. We will take up the matter of the road that Cornelio is building when I come up.

Very hastily,

WILL H. STANLEY, *Superintendent.*

The envelope attached to this letter shows it to have been mailed on the same day that it was written.

The matter of branding Government stock is referred to in office circular No. 608, and in the letter of Supt. Stanley addressed to your office on March 24, 1912, copy of which is hereto attached and marked "Exhibit D." It appears that Mr. Stanley had arranged with Additional Farmer C. A. Pedersen to accompany him on this trip for the purpose of taking up various matters on the Cahuilla Reservation, one of which was the branding of the Government stock there. On April 29, 1912, your office wired Supt. Stanley as follows:

INDIAN SCHOOL, *San Jacinto, Cal.:*

Submit complete report with respect attitude of malcontents on Cahuilla Reservation with recommendation concerning action.

HAUKE,
Second Assistant Commissioner.

Supt. Stanley answered this telegram on April 30, as follows:

Your telegram April 29 relative to malcontents at Cahuilla Reservation. Am leaving for this reservation to-day and will forward report upon return.

STANLEY, *Superintendent.*

It appears that Supt. Stanley arrived at the day school on the Cahuilla Reservation on the evening of May 1 in company with C. A. Pedersen, agency farmer, and Selso Serrano, forest guard and special police. It is claimed that some of the leaders amongst the malcontents invited Mr. Stanley, Carl Stevens, the day-school teacher, and Mr. Pedersen out to an Indian war dance at one of the Indian's homes near the Cahuilla day school on this same evening (May 1), and that later developments show that it was the intention of the Indians, in case the invitation was accepted, to get into some sort of controversy with them as an excuse for leading up to a fight, which was to result in the murder or killing of the three white men named.

Although I believe that the murder of Supt. Stanley was premeditated, I did not find satisfactory proof of the above plan. When considered in connection with some of the circumstances and subsequent developments, however, it appears that such a scheme may have been in the minds of the Cahuilla people. These Indians are wise enough to know that there would be less evidence against them in an act of this kind if they could consummate the crime at night when it was dark and at a time when there would be no witnesses except the parties to the affair. The attempt on the following morning to kill Carl Stevens and Mr. Pedersen, as well as the two Indian police, immediately following the fatal shot at Mr. Stanley, must have represented an attempt on their part to get rid of all witnesses who might later appear against them in the prosecution.

Mr. Stevens had heretofore been on very friendly terms with all of these people and Mr. Pedersen was a stranger to them, and the unusual bravery and loyalty of the two Indian officers, John Largo and Selso Serrano, convinced the leaders of this affair that they must get rid of them also if possible in order to lessen the chance for their conviction in the trial to follow. At any rate it is certain that several of these leaders in the fight, led by Ambrosia Apapas, made a strenuous effort to kill Mr. Stevens, Mr. Pedersen, and the two Indian officers after the fatal shot at Supt. Stanley.

When Apapas shot Mr. Stanley, a number of remarks were heard from the onlookers, such as "Give him another one" and "Shoot him again." It seems, therefore, quite reasonable to suppose that they may have had similar intentions on the evening before. Be this as it may, neither of the three men attended the Indian dance on the night of May 1.

After Mr. Stanley's arrival at the day school he sent Policeman John Largo, on the same evening (May 1), to notify Mr. Cornelio Lubo to come to the day school on the following morning for consultation. Mr. Stanley did not call a general meeting of the Indians, and the only person sent for was this Cornelio Lubo. On the following morning (May 2), however, all of the men then on the Cahuilla Reservation came in a body, there being about 25 of them, headed by Leonicio Lugo as their leader and spokesman. They arrived at the day school about 8 o'clock in the morning, and Leonicio Lugo called at once at the cottage of the day school-teacher, where Mr. Stanley had spent the night, and asked if Supt. Stanley was there. Being advised by Mr. Stevens that he was, Mr. Lugo stated that they would like to see him. Mr. Stanley then appeared upon the porch and greeted Mr. Lugo, saying that he would be glad to see them and suggesting that they go to the school building (about 4 rods away), where they would find plenty of seats, and adding that he would be there in a few moments. Accordingly, Mr. Stanley went down to the school building about 8.30 or 9 o'clock in the morning, and was accompanied by Carl Stevens and C. A. Pedersen. Selso Serrano was in the schoolroom from the beginning of the meeting, but the other officer, Mr. Largo, did not arrive until some time after the meeting had started. Ignacio Costa, the regular interpreter for the malcontent element, acted as interpreter for the Indians. Leonicio Lugo was the first to speak, and at once demanded, in an unfriendly

and improper way, to know why Supt. Stanley had sent for Cornelio Lubo the night before and what he was wanted for.

It appears that Cornelio Lubo had changed a public road which had been worked and used by the public for many years, and that he had done so in defiance of the authority of Supt. Stanley, who had previously experienced some difficulty in the closing or changing of public roads by the Indians without their first securing proper authority. This, no doubt, is the matter referred to in the last sentence of Supt. Stanley's letter to John Largo, above quoted, wherein he says, "We will take up the matter of the road that Cornelio is building when I come up." It appears also that some time prior to this Leonicio Lugo had changed a public road without proper authority.

Replying to Leonicio Lugo, Supt. Stanley advised him in effect that he wished to discuss a private matter with Cornelio Lubo and that it did not concern the other Indians, and that he and Cornelio would discuss this matter privately later on. Mr. Lugo then advised Supt. Stanley, in a very insubordinate and boastful manner, that he, Leonicio Lugo, was in full authority and control of the Cahuilla Reservation, and that he (Supt. Stanley) had no authority whatever there; that if Supt. Stanley wished to discuss any matter with any of the Cahuilla Indians it must be done only through him (Leonicio Lugo). Mr. Lugo also informed Supt. Stanley in the same improper way that he had heard that he (Stanley) had come up to brand the Government bulls, to which Mr. Stanley replied that it was true that this was one of the purposes of his visit, and he further explained that he was acting under instructions from your office (see Circular No. 608, supra) in doing so. Mr. Lugo first said they would refuse to permit the bulls to be branded, but when Supt. Stanley insisted that it must be done, Mr. Lugo then told Mr. Stanley that if he branded the bulls he must immediately remove them from the reservation. Supt. Stanley had with him his office copy of the Indian Office Regulations of 1904 and also a copy of the Indian school rules.

When I visited the day school, on May 4, I found these still in the room where the meeting was held with the Indians, and in the regulations were several marked paragraphs which Supt. Stanley had carefully explained, through the interpreter, to the Indians, and which should have convinced them that his position in the matters under discussion was correct and in harmony with the law and the regulations governing the Indian department. The two policemen, Mr. Stevens, and Mr. Pedersen, all state that Mr. Stanley was particularly careful to go into detail in explaining these acts of Congress and the regulations for their enforcement, and especially to have the Indians understand that he was not the maker of these laws and regulations, but was the person designated by the Government to put them into operation.

The following Indians made speeches at the meeting, all "lining up" with the ideas as advanced by Leonicio Lugo, the first speaker, some of them urging such action as to drag Stanley out by the hair into the road and put him off the reservation: Leonicio Lugo, Ambrosio Apapas, Francisco Lubo, Cornelio Lubo, Pablino Lubo, Apapito Lubo, Servantos Lubo, Pio Lubo, and Charley Arenas. Some of the stronger remarks or demands appear not to have been interpreted to Mr. Stanley, and he did not know of them until after he was shot.

After the discussion regarding the branding of the Government bulls, Supt. Stanley began to explain to them that Mr. Selso Serrano had recently been appointed by your office as a forest guard, and that his duties as such would be to supervise and protect the timber on their reservation, and asking the assistance of the Indians; but they refused to listen further to his statements, and broke up the meeting by leaving the room in an attitude of contempt for Mr. Stanley. As they left they remarked that they were going to drive the Government bulls up to the day school, and that Supt. Stanley must brand them while the Indians were still there, and that he must then drive them off of the reservation immediately. Just as the Indians were leaving the room Mr. Stanley called to Cornelio Lubo, saying, "Wait a minute, Cornelio, I want to see you." It will be remembered that Cornelio Lubo is the man whom Supt. Stanley expected to see about the road. Cornelio pretended not to hear Mr. Stanley, who then instructed Policeman John Largo to "tell Cornelio Lubo I want to see him." Mr. Largo so informed Cornelio Lubo as he (Lubo) was going out of the school building through the little hallway at the front entrance, and as Mr. Largo delivered Mr. Stanley's message Cornelio gave Mr. Largo a contemptuous shove against the wall. Mr. Largo then informed Supt. Stanley that Cornelio Lubo would not come and was then directed by Mr. Stanley in effect to "Go bring him in."

Mr. Largo went back and, finding Cornelio Lubo outside talking with several other men, took him by the arm, asking him to come into the school building to see Mr. Stanley. Cornelio Lubo resisted violently and took hold of Policeman Largo and was immediately assisted by five other Indians, to wit: Francisco Lubo, Pio Lubo, Apapito Lubo, Pablino Lubo, and Servantos Lubo. (There is comparatively a large number of Lubos on the Cahuilla Reservation, but they represent a number of different families not related to each other.) As soon as they had him down and held tightly, Cornelio Lubo kicked Policeman Largo severely on the back of the neck, evidently intending to kill him. Francisco Lubo took Mr. Largo's six-shooter or revolver by force. Just at this time Mr. Carl Stevens noticed, through the open door of the school building, that the Indians had overpowered Policeman Largo and so advised Supt. Stanley, who then directed Selso Serrano to assist Largo. Serrano ran out of the building some distance ahead of Mr. Stanley, Mr. Stevens, and Mr. Pedersen. As Serrano stepped out of the building Francisco Lubo made for him with the gun he had taken from Officer Largo, firing (at least one, and it is believed two shots) at Serrano, but missing. Serrano fired into the air, then into the ground, trying to stop Francisco Lubo. Either the second or the third shot of Serrano glazed the knee of Francisco Lubo, who was then within 5 or 6 feet of Serrano. I examined this wound on the knee of Francisco Lubo in the Federal jail at Los Angeles on May 6 in company with a deputy United States marshal and Inspector W. L. Dorr. It is certain that the bullet struck the knee from above, showing that the gun of Serrano was pointed downward when he fired and not intended to do serious injury. The bullet had barely cut through his trousers and underclothing, only burning the flesh of the knee and not even causing him to limp when he walked.

This shows conclusively, I think, that Serrano was trying faithfully to do his duty without serious results. By this time Supt. Stanley, Mr. Stevens, and Mr. Pedersen were on the little porch in front of the school building, and Supt. Stanley was calling to the men, "Don't shoot, boys." At this point Ambrosio Apapas (who is claimed by Serrano to have had a gun of his own) grabbed the gun from Francisco Lubo and shot Serrano in the left side, almost directly over the heart, the bullet apparently striking a rib, which caused it to glance and follow, on the outside of the rib, around the body to a point very near the spine, from whence it was later removed by the attending physicians. At the time this was done Supt. Stanley was still calling to the men, and especially to Serrano, "Don't shoot," and while Mr. Stanley was thus pleading with them Ambrosio Apapas turned, after shooting Serrano, and made for Supt. Stanley, who was still standing on the little platform in front of the school building, the platform being elevated about 3½ or 4 feet above the surface of the ground. When Mr. Stanley saw Apapas approaching, with gun in hand ready to shoot, he put up both hands, calling to Apapas, "Don't shoot me; I'm unarmed;" all of which failed to make any impression on Apapas, unless it was to strengthen his evident determination to murder Mr. Stanley and his associates. Seeing that Apapas intended to kill him, Mr. Stanley turned to retreat into the school building, at the same time apparently dodging down, and while in this position he was shot in the back by Apapas.

In his dying statement Supt. Stanley indicates that he was shot after entering the building. This, however, I am fully convinced is a mistake, for a survey of the ground, with all other available information, shows clearly that he was shot as above outlined.

Apapas immediately followed Mr. Stevens and Mr. Pedersen into the school building, firing at them as they escaped through a door in the rear of the classroom into the dining room. This bullet passed through the front flap of the coat of Mr. Pedersen, going very close to the body of both Pedersen and Stevens, who were crowded closely together (Stevens in front of Pedersen) in their attempt to escape. The door slammed behind them, and Apapas had some difficulty in getting it open, thus giving them time to escape unnoticed into a small room (a china or linen closet) off of the dining room and to close the door behind them before Apapas was able to get the door open. When Apapas got the door opened and passed into the dining room he evidently supposed they had gone through another door leading outdoors from the dining room, and rushing through that door came again on to Serrano, upon whom he again opened fire. The bullet which Apapas shot at Stevens and Pedersen went through the blackboard (after passing through Pedersen's coat) into the wall on the inside of the schoolroom, from whence I removed it. I gave it to Mr. Pedersen for use in connection with his testimony in court. After Apapas and Serrano had emptied their guns, Serrano retreated into some brush or behind some rocks near by, and Apapas turned and made for Policeman John Largo, who was then being held by several Indians.

As Apapas approached Largo, he kept pulling the trigger of his gun, then empty, and demanding that some one furnish him cartridges with which to kill Largo. Just as Apapas reached Largo he was intercepted by Charley Arenas, who disarmed him. (Charley Arenas is said to be a relative of Policeman John Largo. He has been closely associated with the malcontents on the Cahuilla Reservation, however, for several years, and during the meeting was one of the most boisterous ones and is believed to have called to Apapas as he, Apapas, shot Mr. Stanley to "give him another one.")

This ended the affair, and the Indians left the day school to go to their homes. After consultation with each other, and acting, no doubt, under the advice of Leonicio Lugo, seven of the Indian men left during the night for Riverside, where, it appears, they had planned to have a consultation with their attorney, Mr. Miguel Estudillo, before mentioned, hoping, through his assistance, to bring about the arrest of the two Indian officers, Largo and Serrano, on the pretext that these officers had caused the trouble, wounded Francisco Lubo, and claiming also that it was one of these officers who shot Mr. Stanley. Instead of going to Riverside over the most frequented and better road they took a very out-of-the-way trail which was seldom used. The party headed for Riverside consisted of Leonicio Lugo, supposed captain; Juan Costa, supposed judge; Felix Tortes, Santos Lubo, Ambrosio Apapas, Pio Apapas, and Francisco Lubo. They were overtaken at Perris, Cal., by the county sheriff, and Leonicio Lugo has since been smart enough, either through his own intelligence or through the advice of others, to advance the theory that he was bringing Ambrosio Apapas and Francisco Lubo to Riverside to turn them over to the sheriff.

CASE BEFORE THE GRAND JURY.

In harmony with your instructions I cooperated with and assisted Inspector W. L. Dorr in bringing the matter of the murder of Mr. Stanley forcibly to the attention of the United States attorney at Los Angeles, who advised us before I left that there would be little question as to the indictment and conviction of Ambrosia Apapas and Francisco Lubo on the charge of murder, and I am recently in receipt of a letter from Inspector Dorr saying that he had just been advised by the United States attorney that he (the United States attorney) expected the indictment of eight or nine Indians in all under the same charge. It is particularly unfortunate that as yet we have not been able to secure sufficient evidence to bring Leonicio Lugo to trial, for I think that he is the prime mover in the whole affair. In this connection I call your special attention to the letters shown in Exhibit B.

MEDICAL BILLS.

Physicians were summoned to the aid of Supt. Stanley and Selso Serrano, as follows: Dr. Martin, from Riverside; Dr. C. E. Arnold, of San Jacinto; and Dr. Straufer, of San Jacinto. They made the trip in the night over the mountains by automobile and have submitted bills as follows, for which legislation should be secured to cover:

Dr. Martin	$500
Dr. Arnold	250
Dr. Straufer	150

The doctors were agreed, after an examination, that Mr. Stanley had only a slight chance of recovery and that the one chance would be through an operation, which was performed between midnight and 3 o'clock in the morning of May 3. Mr. Stanley died about 4.30 or 5 o'clock on the morning of May 3. Before dying he made an antemortem or dying statement, which is shown in the copy of the testimony taken at the coroner's inquest, and attached hereto and marked "Exhibit E." This statement was written by Dr. C. E. Arnold, and evidently is not as accurate, full, and complete as it should be, although Dr. Arnold is to be commended for urging that such a statement be made. Mr. Stanley was at the time in such severe pain that it was almost out of the question for him to dictate an intelligent statement of the affair. The original has been turned over to the United States attorney for his use in connection with the trial. Exhibit E shows the nature of the wound as testified to by the attending physicians.

CONGRESSIONAL AID NEEDED.

Mr. Stanley left as his only heirs at law his wife, May Bessie Stanley, age 31; his son, Arnold Archibald Stanley, age 12 (born June 29, 1899); and his daughter, Constance Elenor Stanley, age 8 (born Aug. 6, 1903).

Mr. Stanley left no life insurance for his family. The only property left by him for his heirs is represented in two lots in Los Angeles, which are valued at about $1,500 each, but on one of the lots he had

paid only about $130 and on the other he still owed $750. Thus you will see that the family is left almost without anything for their support. In addition to this Mrs. Stanley is not in good health.

Inasmuch as Supt. Stanley died in the faithful, conscientious, and efficient performance of his duties, I want to especially urge that the office insist upon such legislation as will provide a pension to the family or widow of Mr. Stanley at not less than $600 per annum, subject to the same conditions under which pensions are granted to officers or men of the Regular Army.

RECOGNITION OF FAITHFUL INDIAN OFFICERS.

The unusual loyalty and faithfulness of Selso Serrano and John Largo should be recognized by promotion. Mr. Largo should be retained as a police officer at a salary of at least $50 per month and Mr. Serrano should be made a permanent forest guard at $720 per annum.

In recognition for loyalty and efficiency during this affair Mr. and Mrs. Carl Stevens and Mr. C. A. Pedersen should receive a letter from your office commending them for faithful service during a trying ordeal.

HANDLING THE SITUATION.

I want also to urge upon your office the advisability of some early and special arrangement to handle the situation with reference to the "malcontent" element now existing and increasing amongst the various reservations of the Mission Indians of southern California. I believe that it is advisable and necessary to appoint a special attorney for the Mission Indians of southern California whose duties should be to cooperate with the superintendents of the various reservations, not only in protecting the Indians in their rights, but also in the enforcement of the Federal or other laws governing them.

I found the United States attorney's office at Los Angeles very willing to cooperate in every way possible in this matter, but the situation is such as to demand that there be some legal representative of the Government "on the ground" in order to "strike while the iron is hot." It is my judgment that there will be further trouble with these malcontent Indians, especially at the Soboba, Volcan, Malki, and Martinez jurisdictions, unless the office takes some early and decisive action to "back up" the various superintendents in better establishing and maintaining control over these Indians. An attorney on the ground for one or two years, with authority to bring proper actions for the protection of the Indians' interests and also to compel them to obey the laws governing Indian affairs, will, I believe, clear up a bad situation.

Very respectfully, FRANK A. THACKERY, *Supervisor.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 2757) to appropriate $11,500 to supplement appropriations previously made for the construction of the roadways from the Highway Bridge across the United States agricultural experimental farm, in the State of Virginia, to the southern boundary of the Arlington estate, and for the roadway extending north and south in front of the eastern boundary line of the Arlington Cemetery; to the Committee on Appropriations.

By Mr. SHAFROTH:

A bill (S. 2758) for the relief of the estate of Robert M. Hall, deceased; to the Committee on Claims.

By Mr. JAMES:

A bill (S. 2759) for the relief of the heirs or estate of Wilson Thompson, deceased; to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 2760) granting a pension to Matilda C. Heilman;

A bill (S. 2761) granting an increase of pension to George M. Spanogle;

A bill (S. 2762) granting a pension to Matthew F. Whitcomb;

A bill (S. 2763) granting an increase of pension to Eugene Helmbold;

A bill (S. 2764) granting an increase of pension to Franklin J. Krause (with accompanying papers);

A bill (S. 2765) granting an increase of pension to J. Davis Duffield (with accompanying papers);

A bill (S. 2766) granting an increase of pension to Rebecca Harris;

A bill (S. 2767) granting a pension to Jesse Murphy; and

A bill (S. 2768) granting an increase of pension to John M. Hazlett (with accompanying papers); to the Committee on Pensions.

A bill (S. 2769) for the relief of Amos Gaul; and

A bill (S. 2770) for the relief of Thomas Parkinson (with accompanying papers); to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 2771) granting a pension to Sallie A. Brown; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2772) granting a pension to Mary V. Canaday; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 2773) to increase the limit of cost of the public building authorized to be constructed at New Orleans, La.; to the Committee on Appropriations.

BELL OF U. S. S. "PRINCETON."

Mr. MARTINE of New Jersey. I introduce a joint resolution and ask for its immediate consideration. In connection with the joint resolution, I desire to say that I have two letters relating to the joint resolution, which I ask to have read—one from the Secretary of the Navy and the other from the clerk of the borough of Princeton.

The joint resolution (S. J. Res. 58) authorizing the Secretary of the Navy to loan the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J., was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to loan to the borough of Princeton, N. J., the bell of the old U. S. S. *Princeton*, which the Navy Department loaned the borough of Princeton for use in the one hundredth anniversary of the incorporation of the borough.

Mr. MARTINE of New Jersey. I will say, Mr. President, that at my request the bell of the steamship *Princeton* was loaned to the borough of Princeton on its one hundredth anniversary. The people in that borough became so much interested in it that a movement was set on foot to request the Secretary of the Navy to loan it permanently to the borough for the purposes of exhibition. There is located there the house which was formerly the home of Commodore Stockton, who, by the way, commanded the steamship *Princeton*. It is now a public museum, and it is desired that this bell may be placed there as an object of interest to the whole neighborhood, as well as to the State of New Jersey at large. I communicated the request of these people to Secretary of the Navy Daniels and have received from him a letter, which, together with one from the borough clerk of Princeton, I have sent to the Secretary's desk and request that they be read for the information of the Senate.

The VICE PRESIDENT. Is there objection to the reading of the letters referred to by the Senator from New Jersey? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, July 12, 1913.

Hon. JAMES E. MARTINE, United States Senator,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have to acknowledge the receipt of your letter of the 9th instant, inclosing a letter from the borough clerk of Princeton, N. J., in reference to the bell of the old U. S. S. *Princeton*, which the Navy Department loaned the borough some time ago.

It is noted that it is now desired to have the bell loaned the borough as a permanent exhibit, and that they have a suitable place and ample facilities for caring for it.

The department knows of no objection to the loan of the bell for the purpose stated; but in view of the historical character of the bell, it is believed that the loan should be accomplished by means of a joint resolution as suggested within, which I will be glad to indorse.

The letter of the borough clerk is returned herewith as requested.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

BOROUGH OF PRINCETON,
MAYOR'S OFFICE,
Princeton, N. J., July 7, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR SENATOR MARTINE: Through your public spirit the bell of the U. S. S. *Princeton* was loaned to us by the Navy Department on the occasion of the recent celebration of the one hundredth anniversary of the incorporation of the borough of Princeton. The enthusiasm and widespread interest in the bell not only of our citizens but also of the large number of visitors from the adjacent counties was so great that a movement was immediately started to keep the bell here for the present.

As you had accomplished so much by your prompt and energetic action, it seemed not only logical but proper to again enlist your aid to attain the wishes of our citizens. As all public property is tied up with red tape, it would appear at this distance that the most direct method would be to introduce a joint resolution in the House and Senate authorizing the Navy Department, if not incompatible with public interests, to loan the bell permanently to the borough of Princeton, subject to recall should it be found necessary in the future. This has been done repeatedly, we understand, and there is abundant precedent for it.

Fortunately there is at hand a most suitable place for its care and preservation. The widow of the late Senator John R. Thomson, who served our State so ably in the Senate (1853–1862), at her death bequeathed her handsome residence, which is on the main street of the town and surrounded by beautiful grounds, to the citizens of Princeton, under control of trustees. Thomson Hall is now used as a public library, for band concerts in summer, and for various meetings of a public character. The bell, which is of no use whatever to the Navy Department, and was stored in a building at the Philadelphia Navy Yard, would thus be given a place of high honor, where it would be viewed by thousands of visitors from all sections of the country, who annually come to visit our great university. Moreover, its possession, even as a loan, would be most gratifying to all the citizens not only of Princeton but of the surrounding towns as well. Another reason, if any be needed, is that Commodore Robert F. Stockton, who supervised the construction of the *Princeton* and was her first captain, was a native of this town and a brother-in-law of Senator Thomson, so Thomson Hall, in the borough of Princeton, would seem to be the natural resting place of the bell, which would also be a fitting memorial to so distinguished a naval officer as Capt. Stockton.

We have written to Congressman ALLAN B. WALSH, our Representative in the House, requesting him to confer with you in this matter and acquainting him with all the details in the case. An additional letter will be sent to the Secretary of the Navy, informing him of the interest taken in the service by the citizens of the State of New Jersey, of the wisdom of keeping the deeds of the Navy alive in this university town, and requesting him to aid the joint resolution by a favorable indorsement.

The local interest in this matter is so great that I will come to Washington if you will kindly name a day and hour when you can

conveniently see me and talk this over. We feel that your public spirit, of which you have given so many instances in the past, will sympathize with us in this matter, and we are sure that in applying to you we will receive your hearty cooperation.

Very respectfully, yours,

W. C. C. ZAPF,
Borough Clerk.

Mr. MARTINE of New Jersey. Mr. President, the thought has been suggested to me by a brother Senator that this bell might be presented to the borough of Princeton rather than loaned for exposition purposes, and I desire that the suggestion may be incorporated as a part of the joint resolution—that the bell be presented to the borough of Princeton, N. J., for purposes of exhibition.

I ask most respectfully that immediate consideration be given to the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration to the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CLARK of Wyoming. I understand from the suggestion of the Senator from New Jersey that his desire is that this should be in the nature of a permanent loan?

Mr. MARTINE of New Jersey. Yes, sir.

Mr. CLARK of Wyoming. And that the Navy Department would, therefore, have jurisdiction over the bell?

Mr. MARTINE of New Jersey. Undoubtedly.

Mr. CLARK of Wyoming. I understand from the reading of the joint resolution that such is not the case, but that it is to be a gift.

Mr. MARTINE of New Jersey. No; in the joint resolution I have provided that the bell is to be loaned to the borough of Princeton. Afterwards I asked, upon the suggestion of a brother Senator, that the joint resolution be modified to provide that the bell should be presented to the borough of Princeton for purposes of exhibition.

Mr. CLARK of Wyoming. I rose, Mr. President, to call attention to the fact that the letter of the Secretary of the Navy contemplates one thing, and the suggestion of the brother Senator, to whom the Senator from New Jersey refers, contemplates another thing.

Mr. MARTINE of New Jersey. Well, I realize that is true, and I withdraw my latter proposition with reference to the bell being a gift and will allow the joint resolution to remain as originally drawn, that the bell be loaned to the borough of Princeton. They have a splendid museum to which the bell will be a credit, and I think the people will be proud of it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALARY OF SECRETARY OF STATE.

Mr. BRISTOW. I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 132) was read, as follows:

Whereas from 1789 to 1799 the salary of the Secretary of State was $3,500 per annum, during which period the office was occupied by Thomas Jefferson and Edmund Randolph; and

Whereas from 1799 to 1819 the salary of the Secretary of State was $5,000 per annum, during which period the office was occupied by such eminent statesmen as John Marshall, James Madison, James Monroe, and John Quincy Adams; and

Whereas from 1819 to 1853 the salary of the Secretary of State was $6,000 per annum, during which period the office was occupied by such eminent statesmen as Henry Clay, Martin Van Buren, Daniel Webster, John C. Calhoun, and James Buchanan; and

Whereas from 1853 to 1911 the salary of the Secretary of State was $8,000 per annum, during which period that high office was occupied by such eminent statesmen as William H. Seward, James G. Blaine, Thomas F. Bayard, Walter Q. Gresham, Richard Olney, John Sherman, John Hay, and ELIHU ROOT; and

Whereas during this long period of time no one of these eminent statesmen was compelled to neglect the duties of the office because of the meagerness of the salary; and

Whereas during the year 1911 the salary of the Secretary of State was increased from $8,000 to $12,000 per annum; and

Whereas the "Great Commoner" now holding that high office, Hon. W. J. Bryan, has stated in the public press that the salary of $1,000 per month is not sufficient to enable him to live with comfort, and that because of the meagerness of the salary of $12,000 per annum he is compelled to neglect the duties of his office and go upon the lecture platform in order to earn a living; and

Whereas there are now pending before the Department of State matters of the highest importance to the Nation, affecting the relations of our country with Mexico, Japan, England, and other foreign countries that demand the most earnest, careful, and continuous attention of the Secretary of State: Therefore be it

Resolved, That the President be requested, if not incompatible with the public interests, to advise the Senate what would be a proper salary to enable the present Secretary of State to live with comfort and to enable him to give his time to the discharge of his public duties for which he is now being paid the sum of $1,000 per month; and be it further

Resolved, That the President be respectfully requested to give this subject as prompt attention as his convenience will permit in order that Congress may take immediate steps to relieve the country from the great loss which it suffers by being deprived of the services of the present Secretary of State, though it is now paying for such services at the rate of $1,000 per month.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the resolution.

Mr. KERN. I object to its present consideration.

The VICE PRESIDENT. Objection being made, the resolution will go over.

Mr. WILLIAMS. Well, Mr. President, I should like to ask, as a mere matter of curiosity, who is the personal author of that delightful piece of humor?

The VICE PRESIDENT. The resolution was presented by the Senator from Kansas [Mr. BRISTOW]. That is all the Chair knows about it.

Mr. BRISTOW. The resolution was prepared and presented by myself, and, in my weak way, I undertook to express my views and recite some historical facts.

Mr. WILLIAMS. Mr. President, I have known the Senator from Kansas for a long time and respect him very highly, but I never suspected before this morning that he was capable of that amount of irony, sarcasm, and humor all in one resolution, especially in the "whereases" of the resolution. So I am almost tempted to ask the Senator from Kansas if he did not obtain help of some sort in preparing that resolution? [Laughter.]

Mr. BRISTOW. Well, that is a somewhat personal question, and of course if it were asked by any other Senator than the Senator from Mississippi, I should decline to answer, but I can not refuse to answer any question which he may ask me. I must confess that no one is responsible for a word contained in the resolution except myself, and I very gladly assume the responsibility, because it seems to me that the author and the promoter of the idea of the "dollar dinner," concerning which we have recently heard so much, should himself and wife now be able to live very comfortably in the Capital of the Nation on $1,000 a month. It is with great regret that we are to be deprived of the services of the distinguished Secretary of State——

Mr. KERN. Mr. President, a question of order.

Mr. BRISTOW (continuing). For the first time in the history of the country a Secretary of State, because the Nation refuses to pay a sufficient amount to enable him to live comfortably, though I am free to say that he is now receiving the same salary as other Cabinet officers——

The VICE PRESIDENT rapped with his gavel.

Mr. BRISTOW. I have the floor, I believe.

The VICE PRESIDENT. No; the Senator from Indiana has raised the question of order.

Mr. KERN. The point of order is that the resolution was offered, and, under the rules, it goes over, if there is objection. An objection was made; therefore the resolution is not before the Senate for discussion, but Senators are proceeding to discuss it. I insist they are out of order.

The VICE PRESIDENT. The Chair rules that Senators were proceeding by consent. There being an objection, they are out of order, and the discussion should cease.

Mr. BRISTOW. The discussion, I understand, is in order unless something else is being done. I should like to appeal to my good friend the Senator from Indiana to permit this resolution to pass.

Mr. KERN. The "Senator from Indiana" has exercised his right to object to the present consideration of the resolution. The resolution goes over under the rule. When it comes up in proper form perhaps the "Senator from Indiana" will be prepared to say something on the subject of the resolution. But until the proper time comes for the consideration of the resolution it can not be considered, unless the rules are entirely ignored.

Mr. BRISTOW. Of course, if the Senator will not yield to my solicitation to withdraw his objection, I realize that his objection will put the resolution over. I was endeavoring, however, to answer the question of my friend from Mississippi to the best of my ability; and there being nothing else occupying the attention of the Senate, I was very glad to respond to his request.

The VICE PRESIDENT. The Senator from Indiana having objected, the resolution will go over; and as there seems to be objection to the discussion of the question between the Senator from Mississippi and the Senator from Kansas, the Chair is compelled to hold that it is out of order.

Mr. BRISTOW. That may be; but the Senator from Mississippi has the floor. If he desires to discuss anything else, I shall be very glad to answer his questions so far as I can.

Mr. WILLIAMS. Mr. President, if it has been finally determined that I have the floor, I want to add only one word.

Mr. SMOOT. Mr. President, a point of order. I understand objection has been made to the further consideration of the reso-

lution. Of course, under the rule, the objection carries it over. I certainly think the rule ought to apply to all.

Mr. WILLIAMS. If it will add to the delectation of the Senator, I shall not add even the other one word; but if I am in order, I should like to add it.

Mr. SMOOT. I call for the regular order, Mr. President.

The VICE PRESIDENT. The regular order is the presentation of concurrent and other resolutions.

COTTON BAGGING AND COTTON TIES.

Mr. SMITH of South Carolina. I submit a resolution, for which I ask immediate consideration, if the matter seems to be of sufficient importance.

The resolution (S. Res. 134) was read, as follows:

Resolved, That the Secretary of Commerce be, and is hereby, directed to investigate the recent advance in price of bagging used in baling cotton, also the advance in price of ties used in banding or baling cotton, and to report to the Senate at the earliest possible time the cause or causes for said advances.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution submitted by him. Is there objection?

Mr. WILLIAMS. Mr. President, in view of the fact that the new tariff bill is going to put cotton bagging upon the free list and deal correspondingly with cotton ties, I think this investigation will cause the expenditure of a lot of money without any real justification for it. I therefore object to the present consideration of the resolution.

Mr. SMITH of South Carolina. Just a moment. I should like to state to the Senator from Mississippi, before he objects, that I have in my hand certain communications which will throw a different light on this question, in view of the fact that even though the tariff bill passes, as we all know it will, it must go over this season.

I have here communications from dealers in bagging throughout the South saying that right now the price has advanced from 2 cents a yard to 2¼ cents, making practically 15 cents a bale advance over the price of 1912. In my State alone that advance will amount to something like $160,000 or $170,000 for the article of bagging alone. In the State of Georgia it will approximate $300,000. Some of the letters I have in my possession indicate that if any relief is to come it must come now; and an immediate investigation might disclose the fact that the production of these articles is entirely controlled by a trust, which furnishes from its mills all the bagging used in this great Republic.

With the consent of the Senate, I am going to read some of these letters. They are short. One of them reads:

Your letter to the Abbeville Hardware Co. came to me, as I have been winding up their business. In reply to your inquiry in reference to the price of cotton bagging, will say that the price will be much higher this season than last, on account of speculators getting control of stocks on hand; and I am of opinion that it will be at least 50 per cent higher than it was last year.

From Florence, S. C., I have this:

In reply to yours of the 8th instant in reference to the price on cotton bagging and ties, the 1912 price on 2-pound bagging delivered was $8.48; ties, 95 cents. The 1913 price on bagging of exactly the same kind is $10.12½, and ties $1.03½.

The writer also gives an itemized statement.

Here is one from another State:

Replying to your favor of the 8th, I beg to say that new jute bagging is quoted 2 cents a yard higher this season than last season; ties about 16 per cent higher.

From Allendale, S. C.:

In reply to your letter of the 8th, cotton bagging is worth this year 10½ cents. Last year it could be bought for 9½.

This letter is from Charleston, S. C.:

Replying to yours of the 8th instant in matter of cotton bagging, would advise that the difference between opening price 1912 and 1913 shows an advance of 2 cents per yard on standard 2-pound bagging. Opening price June, 1912, standard 2-pound, 8¾ cents per yard; July, 1913, standard 2-pound, 10¾. During September and October there was an advance of 1¼ cents per yard, and since opening of the present season, July 1, 1913, there have been two advances, one-fourth of a cent per yard each, or a total advance of one-half of a cent per yard.

From Lynchburg, S. C.:

Your favor under date of 8th instant received and noted. In reply, beg to state that 2-pound jute bagging is about 2 cents higher this year over last. I am unable to account for this advance, except that the price of bagging is controlled by the trusts. I certainly hope you will be able to give us some relief along this line, for it seems that we are entirely at the mercy of the trusts at present.

Here is a letter from Dillon, S. C.:

Your letter to hand regarding cotton bagging. Yes; I have bought my bagging for this season, and it has cost me 2 cents per yard more than I paid for the same brand last year. I bought the same bagging last season at 8¼; this season, 10¼.

Here is another letter from Charleston, dated July 10:

Agreeably to your esteemed favor of the 8th instant, now before us, we have the pleasure of advising you that about this time last year American quality of jute bagging was quoted and sold at 8 5/16 cents per yard for 2-pound weight and for Dundee quality 8 1/16 per yard for 2-pound weight. To-day's quotations are 10½ per yard for American quality for 2-pound weight and 10 cents per yard for Dundee quality for 2-pound weight.

This letter is from Timmonsville, S. C.:

Replying to your favor of July 8, beg to say that 2-pound new jute bagging is 2½ cents higher this July than it was last July. The opening price was 2 cents higher than last year, but it has since advanced a half cent, and the probability is that it will still go higher.

Mr. BACON. Mr. President, I hope we may have order in the Chamber.

Mr. SMITH of South Carolina. I have in my hand quite a number of letters covering different portions of the cotton belt. Complaint is coming in that they are——

Mr. BACON. Mr. President, I again ask that order may be had in the Chamber.

The VICE PRESIDENT. Senators will kindly be in order, and those who are not Senators will please be seated. The Sergeant at Arms will see that the rules of the Senate are enforced.

Mr. CLARK of Wyoming. Mr. President, a question of order. Does a demand for order include a demand for the regular order? I will ask the Senator from Georgia to enlighten me on that point. If it is a demand for the regular order, of course the Senator from South Carolina is out of order.

Mr. BACON. I presume the Senator from Wyoming understood what I said. I did not use the words "regular order," and I had no reference to the order of business, as the Senator is very well aware.

Mr. CLARK of Wyoming. Then, Mr. President, I call for the regular order.

Mr. BACON. That is another matter.

The VICE PRESIDENT. The resolution will go over.

Mr. SMITH of South Carolina. Mr. President, may I be permitted to ask the Senator from Mississippi, in view of the facts I have just stated, if he will not withdraw his objection and let this investigation be made?

The VICE PRESIDENT. The Chair is compelled to state to the Senator from South Carolina that the Senator from Wyoming has called for the regular order, and the resolution will go over.

SALARY OF ASSISTANT COMMITTEE CLERK.

Mr. BANKHEAD submitted the following resolution (S. Res. 133), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the chairman of the Committee on Post Offices and Post Roads be authorized to employ one of his three assistant clerks, each now drawing a salary of $1,440 per annum under the act of March 4, 1913, at the rate of $2,000 per annum, the difference of $560 to be paid from miscellaneous items, contingent fund of the Senate, until otherwise provided by law.

SAFETY-APPLIANCE INSPECTION.

Mr. SHEPPARD submitted the following resolution (S. Res. 135), which was read and referred to the Committee on Interstate Commerce:

Whereas there are in the United States approximately 2,300,000 freight and passenger cars, distributed over thousands of tracks in every section of the Union, and only 32 safety-appliance inspectors; and

Whereas the force now employed is evidently inadequate for the proper performance of the duties required, and defective appliances are still producing an appalling loss of life and limb: Therefore be it

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed to investigate these conditions and report to the Senate the additional number of safety-appliance inspectors necessary to an adequate performance of the work of safety-appliance inspection on the railroads of the United States.

INTERNATIONAL PEACE CONFERENCE.

Mr. OWEN submitted the following resolution (S. Res. 136), which was read and referred to the Committee on Foreign Relations:

Resolved, That the President of the United States is requested to suggest to the nations of the world the appointment of national representatives to attend an international conference, to be held at such time and place as may be found convenient, with a view to bringing about a temporary suspension of the construction of war vessels and implements of war, a general limitation on war preparation, and the promotion of world peace.

AMENDMENT OF THE RULES.

Mr. SHEPPARD. I submit a written notice of a proposed amendment to the rules.

Mr. BACON. Let it be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

I hereby give notice that during the session of the next legislative day of the Senate, or a later day, I shall offer an amendment to Rule XXV of the standing rules of the Senate to the following effect:

(1) Change the paragraph which now reads "A Committee on Expenditures in the Department of Commerce and Labor, to consist of five Senators," so as to read "A Committee on Expenditures in the Department of Commerce, to consist of five Senators."

(2) Insert after the paragraph which reads "A Committee on Expenditures in the Department of Justice, to consist of five Senators," a

new paragraph, to read as follows: "A Committee on Expenditures in the Department of Labor, to consist of five Senators."

(3) Insert after the paragraph which reads "A Committee on Revolutionary Claims, to consist of five Senators," a new paragraph, to read as follows: "A Committee on Roads, to consist of 17 Senators."

The VICE PRESIDENT. The notice will be entered.

REGULATION OF WATERWAYS.

Mr. NEWLANDS. I ask unanimous consent that 2,000 copies be printed of Senate bill 2739, the river regulation bill, which I introduced yesterday. The committee itself would have the power ordinarily to authorize the printing of 1,000 copies, but owing to the objection of the Senator from Ohio [Mr. BURTON] to the reference of the bill to the Committee on Interstate Commerce and his contention that it should go to the Committee on Commerce the question of reference is now pending with the bill on the table. I ask unanimous consent that 2,000 copies of the bill be printed, as there is a very great demand for it.

Mr. WILLIAMS. What is the bill?

Mr. NEWLANDS. It is the bill for river regulation. The Senator is familiar with the bill, which I have been offering for some time, and which I yesterday introduced again.

Mr. WILLIAMS. Is that the bill in which reservoirs and levees and everything else are included?

Mr. NEWLANDS. It includes the whole question of river regulation from source to mouth and of tributaries.

Mr. WILLIAMS. Everything is proportionately harmonized?

Mr. NEWLANDS. Yes.

Mr. WILLIAMS. How many copies does the Senator wish to have printed?

Mr. NEWLANDS. Two thousand copies.

Mr. WILLIAMS. I have no objection.

Mr. SMOOT. The Senator does not state whether he wants them for the use of his committee or for the use of the Senate. I think he ought to state in the request that they are for the use of the Senate.

Mr. NEWLANDS. I will ask that 500 copies be printed for the use of the committee and the remainder for the use of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURTON. I do not understand that any request is made as to the reference of the bill.

Mr. NEWLANDS. Oh, no.

Mr. BURTON. It is merely as to printing a number of copies.

Mr. NEWLANDS. That is all.

The order as agreed to is as follows:

Ordered, That 2,000 additional copies of S. 2739 be printed, 1,500 for use of the Senate and 500 for use of the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its chief clerk, announced that the House had passed the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, with amendments, in which it requested the concurrence of the Senate.

DIFFERENCES BETWEEN RAILWAY COMPANIES AND EMPLOYEES.

Mr. NEWLANDS. Mr. President, I ask the Chair to lay before the Senate the amendments of the House to Senate bill 2517.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, which were read, as follows:

Page 10, strike out lines 4 to 22, inclusive, and insert:

"The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph 11 of section 4 of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the board of mediation and conciliation, to be filed in its office.

"The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the board of mediation and conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the act approved June 1, 1898, providing for mediation and arbitration."

Page 11, after line 26, insert:

"Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service."

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent for the present consideration of the amendments.

Mr. BORAH. Mr. President, I am not going to object to the request for unanimous consent, but I presume the Senator from Nevada will discuss the changes before the amendments are voted upon.

Mr. NEWLANDS. Certainly. Do I understand that unanimous consent has been given?

The VICE PRESIDENT. No objection has been made.

Mr. NEWLANDS. I wish to state to the Senate that Senate bill 2517, which passed the Senate some days since, represented the views of the railway employees and of the railway carriers, assisted by Mr. Justice Knapp, of the Commerce Court, Mr. Neill, former Commissioner of Labor, and the committee appointed by the Civic Federation. That bill passed the Senate without amendment. In the House certain amendments were presented to the bill, among them two amendments which were to-day adopted. Other amendments became the source of contention between the parties interested.

The bill as it passed the Senate made the bureau of mediation an independent bureau, its members being appointed by the President of the United States, and not connected with any department. The original Erdman Act made the Commissioner of Labor ex officio a member of the board of mediation, but at that time the Bureau of Labor was an independent bureau, not connected with any department, and as independent in its operations as the Interstate Commerce Commission itself. Later on the Bureau of Labor was attached to the Department of Commerce, and later on it was transferred to the newly organized Department of Labor. Thus by operation of law the Bureau of Labor has lost its independent character and has become attached to a political department.

The railway employees and employers were of the opinion that the bureau of mediation contemplated by this legislation should be an independent bureau, as was the mediation board under the original Erdman Act. The Secretary of Labor, however, was of the opinion that to make this bureau of mediation an independent bureau was to interfere very materially with the jurisdiction and the usefulness of the newly organized Department of Labor. The House Committee on the Judiciary shared in that view and adopted an amendment making the bureau of mediation practically a part of the Department of Labor by making the Commissioner of Labor Statistics one of its members.

As a result of this difference of view a conference was held at the White House yesterday, at which Mr. Secretary Wilson was present and at which were also present the committee representing the brotherhoods; the committee of railway presidents; the representatives of the Civic Federation, headed by Mr. Seth Low; Mr. CLAYTON, chairman of the Judiciary Committee of the House; Mr. MANN, minority leader of the House; and myself, as chairman of the Interstate Commerce Committee of the Senate. Unfortunately, we lacked the presence, owing to his absence from the city, of the Senator from New Hampshire [Mr. GALLINGER], the leader of the minority in this body.

At that conference these matters of disagreement were fully discussed, and while Secretary Wilson, actuated doubtless by a desire to make his department highly efficient and useful, was desirous that its jurisdiction should not be impaired, he announced his willingness to accede to the sentiment of the majority there present. The result was that there was practically a unanimous expression of view that the independent character of the bureau of mediation should be maintained, but that two amendments, not material to this contention, which had been offered in the House of Representatives, should be added to the bill. Those amendments are now before the Senate for its action.

The first amendment provides simply for the filing of the award of arbitration, and is, in my judgment, an improvement upon the provision contained in the Senate bill, and is intended to perfect the operation of the Senate bill in that particular. It might be well for me to read the first amendment:

The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph 11 of section 4 of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the board of mediation and conciliation, to be filed in its office.

The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the board of mediation and conciliation upon its request any papers and documents heretofore filed with them and bearing upon

mediation or arbitration proceedings held under the provisions of the act approved June 1, 1898, providing for mediation and arbitration.

The second amendment is as follows:

Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. What is the effect of the last amendment which the Senator has read upon the bill as a whole? What strength would there be to an arbitration under this law; by what means could it be carried into effect, if the parties should see fit to ignore it? In other words, what verity and binding force would the judgment of arbitration have? I am asking the Senator's view because he has given particular attention to the bill.

Mr. NEWLANDS. Mr. President, I am not prepared to state what effect would be given to the award of the arbitrators if the parties chose to ignore it.

I will only state as to this amendment that by inadvertence it was left out of the bill. This amendment was a substantial part of the Erdman Act as it originally passed. The attention of all present at the conference yesterday was called to this by one of the Members of the House of Representatives, and both the representatives of the railroads and the representatives of the employees stated that there was no objection whatever to its insertion; that it was left out by inadvertence.

Now, I prefer not to enter into a discussion as to what legal effect can be given to the award of the board of arbitration. The sentiment of the Senate committee has been—and its expression was unanimous—that the effort made by the representatives of the carriers and their employees to bring about mediation and conciliation, and if that failed to bring about arbitration between the parties, was a most commendable effort, and that whatever they agreed upon not in conflict with public policy should be approved and given effect by legislation. That has been the spirit of the members of the Interstate Commerce Committee, and I believe the spirit of the Senate in the adoption of this bill.

Mr. BORAH. Mr. President, I am in harmony with the spirit which the Senator says prevailed in the committee, and I am in harmony with the object to be attained. I realize that in all probability this bill ought to pass, and pass with some degree of dispatch, in order to meet the present situation. But I was anxious to know, in view of the fact that it will be upon the statute books after this crisis is over, what binding effect an arbitration under this law would have upon the parties.

Mr. NEWLANDS. I would prefer not to enter upon that discussion. It abounds in difficulties, and it will be largely a matter of prediction in which I prefer not to indulge. All I can say is that this act is, in my judgment, highly commendable legislation, because it is the encouragement of an effort upon the part of the parties engaged in a great industry, employing thousands of people, to substitute by agreement among themselves, ratified by legislation, industrial peace for industrial war. Even if their method was, in my judgment, a defective one, I would rather validate it through legislation than attempt to perfect it against their will.

There has been the greatest difficulty heretofore in bringing the parties to these great industrial controversies into communication with each other, and I think the representatives of these great organizations are to be congratulated upon the success which they have achieved, upon the admirable ability which they have shown in their negotiations, and upon the general spirit of conciliation which is manifest between the two sides of a great industry. It is my hope, and I think this bill furnishes reason for the hope, that this is a step in the process of evolution of industrial courts, both National and State, which upon a careful consideration of the facts, upon a careful study of the economic side of every question presented to them, will determine the controversies between capital and labor, which, with the advance of civilization, have become more and more of a disturbing element among us, practically paralyzing the commerce of the country.

Mr. President, I move the adoption of the amendments of the House.

Mr. CUMMINS. I suggest that the proper proceeding, if the Senator from Nevada wants concurrence, is to move that the Senate concur in the House amendments.

Mr. NEWLANDS. I move that the Senate concur in the two amendments of the House of Representatives.

The VICE PRESIDENT. The question before the Senate is, Will the Senate concur in the amendments of the House of Representatives?

The amendments were concurred in.

Mr. CUMMINS. That covers both amendments?

The VICE PRESIDENT. It does.

Mr. NEWLANDS submitted the following order, which was agreed to:

Ordered, That 2,000 additional copies of the bill (S. 2517) entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," as agreed to by both Houses, be printed for the use of the Senate.

ADJOURNMENT TO FRIDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Friday at 12 o'clock meridian.

The motion was agreed to.

THE TARIFF.

Mr. WORKS. I desire to give notice that on Thursday the 24th, immediately after the completion of the routine business, I will submit some remarks on the subject of the tariff on California products.

THE TARIFF—PANIC OF 1893.

Mr. THOMAS. Mr. President, prophecy is the dominant note in all debate against tariff revision. The people are admonished to bear the ills they justly complain of, lest change may substitute graver ones in their stead. Forecasts are fashioned from the framework of previous disasters, whose origin is cunningly shaped into a semblance of so-called free-trade legislation. A chorus of warning chanted by the press and on the platform, designed to secure to privilege all it has acquired, begets a dread of certain disaster. Apprehension thus aroused, easily imagines the presence of what it is taught to fear, and the currents of trade become less active. These are called the shadows of coming events, the prelude to closing factories, to stagnant commerce, and arrested development of the country. It is urged that if the mere prospect of tariff revision is so pernicious, its actual accomplishment must paralyze industry; that such has been its inevitable consequence in the past, and that panic and disaster have been the bitter fruit of all disturbances of the protective system.

These tactics of obstruction are not peculiar to the progress of reform in taxation. They are employed to defeat or attenuate all schemes of legislative reform. For man is influenced in his progress through the world far less by reason than by imagination. Prejudice and fear shackle the limbs and retard the march of the race toward the goal of its ultimate destiny. They are perhaps essential elements in the determination of all social and political problems; but conservatism and privilege never fail to raise them as barriers against the laws of development and the march of history. Many times they ignore or falsify the latter, that they may obstruct or defeat the just demands of the people for changes in their economic or political systems.

In keeping with this course it has recently been asserted, both in this Chamber and out of it, that the Wilson tariff law of August, 1894, and the presage of its enactment, caused the fateful panic of 1893, and that the Underwood bill is charged with similar elements of danger to the well-being of the country. It has been intimated also that other periods of industrial depression had been influenced by the fear or the fact of tariff revision, and that commercial disasters are inseparable from a general reduction of tariff duties; that conditions now prevailing in the general field of trade and commerce are alarming and must become worse as the menace of tariff revision continues; and that the enactment of the Underwood bill into law will be a congressional sentence of death to business prosperity. As the time approaches for final action upon the measure, these gloomy forebodings are indulged with greater frequency, and legislators are impressed by solemn exhortations of the press and of the forum with the tremendous responsibilities resting upon them and the grave consequences awaiting their disregard of the public warnings. We must not disturb abuses hoary with age and without defenders, for bad as they are, no remedy can be applied without shaking the fabric of the commercial world to its foundations. We are admonished that the schedules of the Wilson bill, modifying the then existing rates of duty never so little, and enacted after its scandalous career through the Senate, toppled business into a heap of ruins, from which the people slowly emerged through a long travail of misery and finally recovered their former status through the healing and ever blessed agency of the Dingley tariff law.

Mr. President, the Wilson law of 1894 was the most miserable pretense of tariff reform ever placed upon our statute books. It was eviscerated by the Senate, agreed to by the House only because its long and disgraceful sojourn through the upper

Chamber had disgusted the people with the very thought of tariff reform, and repudiated by the President as a thing fraught with party perfidy and national dishonor. But wretched as it was, it can plead not guilty to the charge of bringing disaster to the country. And while every man at all familiar with the history of that time knows this to be true, I propose if I can to put the responsibility for that terrible calamity where it properly belongs, to the end that its ghost may not be again resurrected to threaten our purpose or vex our deliberations. Fortunately for me, at least, this is a task of no serious dimensions. For I am fain to believe that the panic of 1893 is in a class of its own, without parallel and without precedent, both as to its origin and its object.

Mr. President, the year 1892 was a prosperous and happy one. The people had indulged in much speculation, and the mass of public and private debt swelled to undue proportions. But business was good and the crops were abundant. In the parlance of the street, money was easy. In their yearly review for 1892, Dun & Co. declared that the year "started with the largest trade ever known—the mills crowded with work and all business stimulated with high hopes." And this review, be it remembered, was published but two months after a presidential election, in which tariff reform had been the issue, ostensibly at least, and that issue had won.

The New York Commercial and Financial Chronicle in its review of the year 1892, published in January, 1893, said:

> The year 1892 was singularly free from great and unexpected disasters in the manufacturing, mercantile, and banking community.

On January 16, 1893, the New York Tribune contained an article with this caption:

> Few failures in 1892—Proofs of a prosperity rarely surpassed.

It declared that—

> Among the evidences that the year 1892 was one of the most prosperous in the history of the country, the record of failures is of peculiar interest. For 10 years there never has been so few failures compared with the number of firms in business in any other year as in 1892. In 23 years the average of defaulted liabilities to the whole number of firms in business has never been so small as it was in 1892, except 12 years ago in the exceptionally prosperous year 1880. Only in that year and the next was the average of defaulted liabilities to the exchanges through all the clearing houses as low as it was in 1892.

And on April 19 it commented favorably on the report of the New York superintendent of banking, which showed an increase in deposits of 1892 over 1891 of nearly $41,000,000. Mr. Cleveland, in his message to Congress of August 7, 1893, one year before the passage of the Wilson bill, said:

> Our unfortunate plight is not the result of untoward events nor of conditions related to our natural resources; nor is it traceable to any of the afflictions which frequently check natural growth and prosperity. With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear has sprung up on every side.

And Mr. McKinley, on July 11, 1896, from the porch of his house in Canton, said:

> We have now the same currency that we had in 1892, good the world over and unquestioned by any people. And then, too, we had unexampled credit and prosperity.

This credit and prosperity, unexampled in their character, existed concurrently with an act of Congress of 1890, known as the Sherman silver law, having for its ostensible purpose the maintenance of the parity between gold and silver, and providing for the monthly purchase by the Government of 4,500,000 ounces of silver, against which were issued certificates redeemable in coin. It is needless now to describe the bill in detail, nor the construction placed upon it by the Treasury Department, nor the thwarting of its provisions by the methods of its administration. It was enacted over the bitter opposition and at all times encountered the undisguised hostility of the banking world, which then as now sought to obtain and enjoy the power to control and regulate the volume of currency circulation, with which that law was wholly incompatible.

These interests fought the measure from its inception to its repeal. It was a compromise statute which never should have been enacted, but for reasons wholly different from those advanced against it by its enemies. It was not the product of the bimetallists who believed in free coinage; with which principle the law was in hopeless conflict. Yet I deliberately affirm that this country in all its history never enjoyed a greater period of expansive growth and prosperity than during the interval between the enactment of this law and the panic of 1893. But the bankers of the East had resolved upon its destruction. In a speech from the steps of the New York subtreasury in 1891, Mr. Cleveland pronounced against it. From that moment he became their candidate for the Presidency. They made his campaign for him, forced his nomination upon a reluctant party, with tariff revision as the nominal issue of his platform. He was elected with a Democratic majority of both Houses of Congress. Then the real purpose which the Democracy had been chosen by these interests to accomplish was revealed.

The great majority of the leadership and the rank and file of that party believed in the gold and silver money of the Constitution. They did not approve the Sherman law, but desired to retain it as a hostage for free coinage. They had no thought of its unconditional repeal. But the enemies of the measure had other views and determined to make them effective in advance of the inauguration of the President elect, who lent them his hearty and active cooperation.

The result of the election had scarcely been announced when the banks, through the eastern press, set up a demand for "the immediate unconditional repeal of the silver law." This clamor swelled in fierceness and in volume as the meeting of the second session of the Fifty-second Congress approached. Every other subject of political importance was practically excluded from public consideration. The repeal was opposed as a matter of course by the southern and western people, and by the sounder judgment of the masses everywhere.

Congress convened on December 6, from which time the hitherto alleged robberies of the McKinley bill on the one side and peril to industry involved in its repeal upon the other were forgotten by eastern high-tariff Republicans and low-tariff Democrats, who joined in contending that the first political duty of the hour was obedience to the pressing demands of Wall Street. Bills for the repeal of the silver law were therefore promptly introduced in both Houses. But the advocates for repeal, although clamorous for immediate action, soon discovered that they had again mistaken the sentiment of the Nation. Republicans like John Sherman and Democrats like William F. Vilas might applaud their doctrines and aid their plans, but the great body of the South and West was sound. Representatives and Senators from these sections, with an exception here and there, confronted repeal with a vigorous and determined resistance which nothing could overcome.

The President elect was surprised and displeased by this unexpected revolt against his plan of "currency reform." He resolved to make repeal of the Sherman Act the test of fidelity to his coming administration, and Democratic Senators and Representatives not complying with his wishes could expect no favors at his hands. It was significant of this spirit that the New York Herald and Times on the same day editorially declared that Democratic Congressmen opposing repeal must go into retirement. But they remained obdurate.

About this time and on January 12, 1893, Mr. Henry Villard, a New York financier of note, appeared in Washington as the agent of Mr. Cleveland. His mission was to break the force of Democratic opposition to the repeal bill, and to utilize the prestige of the incoming administration for that purpose. His methods were neither pleasing nor politic. He gave offense to many with whom he came in contact, but succeeded in securing the promise of 12 Democratic Senators to vote for repeal. He was in Washington five days. He was perniciously active and industrious while here, even conferring with the Speaker and the House Committee on Rules, with a view of restricting debate upon the bill. But he returned to New York with an empty game bag.

Two weeks later Mr. Cleveland sent a second envoy to the Capital. This time he selected Don M. Dickinson, his former Postmaster General, to be his emissary. The advent of Mr. Dickinson at the Capital was announced with much impressiveness. A Washington dispatch to the New York Herald of February 1 informed the country that—

> Don Manuel Dickinson came to the city last night and has spent the day in consultation with the Democratic leaders. The repeal of the silver law has never before received such an agitation. The word has gone out among Democrats that this act must be repealed at this session. Mr. Cleveland has it in his power to make matters very uncomfortable for certain silver Democrats. The question of the patronage will be an important one after March 4. The scare is pretty general. There is no doubt that this second expression of President-elect Cleveland will bear fruit. He gave his first intimation when Mr. Henry Villard came to the city and consulted with the Democratic Members of Congress. The second can not be misunderstood.

And the Herald announced in its editorial of the same day that—

> as a party man, as an upholder of the regular organization, as a vindicator of the machine, Mr. Cleveland will stand on firm ground when he declares that every aspirant for office, patronage, favor, or any consideration will be expected to line up for the repeal of the silver law.

No public man can be justly charged with responsibility for newspaper comment or criticism. If that were so, the burden of his responsibilities would be great indeed. But there are times, and this was one of them, when action and announcement synchronize with wonderful accuracy; when the thing to be done and the necessities of the situation require the employment of all available means and resources for the doing of it; when the difficulties and obstacles confronting the task demand heroic treatment. A first assault upon the law had been unsuccessful; the second one required the support of all the reserves or the failure would be repeated. To overcome the stubborn resis-

ance of the silver sentiment in Congress, Mr. Dickinson was doubtless authorized to use the power of patronage to the utmost. The Herald announcements were therefore unchallenged, because they were true.

But Mr. Dickinson's task was as hopeless as that of his predecessor. The patronage scheme was a complete and contemptible failure. Few Democrats were base enough to yield to it. The great body of its representatives, sustained by a small but stalwart band of Republicans, successfully defied one of the most infamous attempts to promote legislation by corrupt influences which tarnish the records of the American Congress. On February 6 the Senate, and on February 9 the House, by decisive votes refused to consider the repeal bills. This result was as exasperating as it was unexpected. Mr. Cleveland and his confederates discovered that Democracy was not pliant to a policy at variance with party principle nor disposed to destroy 50 per cent of the people's money at the behest of any influence whatever. But the conspirators had no thought of retreating. On the contrary, their determination was intensified by their defeat.

Mr. Cleveland would become President on March 4, and new and more effective methods could then be utilized. The new Congress, like the old one, was doubtless invulnerable to direct assault, but its hand might be forced by a widespread and insistent public demand. To secure this a war upon prosperity was planned and afterwards executed, with the acquiescence, if not the approval, of the President of the United States.

Some days ago I read upon this floor a circular purporting to be dated March 12, 1893, and related to this subject, whose authenticity has been vigorously repudiated by the American Bankers' Association.

Responding to a Senator's inquiry, I said that I believed it emanated from some responsible source. My belief has since been fortified by the voluntary testimony of others, and by the fact that it harmonizes with the swiftly succeeding events of that memorable year. But I am not compelled to rely upon that document to sustain my assertion that the disasters of 1893 were directly caused by the determination of the banking interests and of the administration to force the speedy repeal of an obnoxious law. I may concede that it was spurious, or that it was an ex post facto forgery. I may discard it utterly and easily maintain the proposition.

Although Mr. Cleveland, shortly after his reelection, authorized Hon. William M. Springer to announce that none holding office under his first administration would be reappointed; he excepted Mr. Conrad N. Jordan from the rule shortly after his second term began. That gentleman had been United States Treasurer from June 1885 to May 1887. On April 11, 1893, Mr. Jordan was appointed, and on April 14 he was confirmed as subtreasurer at New York. The reasons for his appointment to this important post soon became apparent. He was chosen to become the medium between the administration and the bankers of New York in arranging the details of a crusade against the Sherman silver law.

Mr. Jordan went to Washington on Thursday the 20th and filed his bonds, returning to New York on Friday the 21st. While in Washington he was in conference with Mr. Cleveland, and on his arrival in New York late in the afternoon, he went directly to the Chase National Bank, where he was awaited by its president, Mr. Henry W. Cannon, and Mr. J. Edward Simmons, president of the Fourth National Bank.

What happened at that meeting may be inferred from swiftly following events. Mr. Cannon took the midnight train for Washington, reporting the next morning at the White House. He remained in Washington until Sunday afternoon the 23d.

Meanwhile and on Saturday morning the 22d, Mr. Jordan took possession of the subtreasury, and then proceeded to arrange a meeting of bankers for that afternoon at the clearing house. It was said to have been informal, and was attended by Presidents Wright, of the Park National; Williams, of the Chemical National; Perkins, of the Importers and Traders' National; Baker, of the First National; Woodward, of the Hanover National; and Nash, of the Corn Exchange.

From this meeting Mr. Jordan went to Washington on a late evening train, reported at the White House with Mr. Cannon on Sunday morning, where a long conference was held with Mr. Cleveland; after which Mr. Jordan accompanied Mr. Cannon back to New York. Before leaving, Mr. Jordan wired certain bank presidents to meet him at a designated house uptown on his arrival. They did so. It is reasonable to conclude that the meeting was an urgent one and the direct outgrowth of the Sunday conference with Mr. Cleveland at Washington.

On Monday morning, the 24th, Mr. Jordan requested the officers of the banks, trust companies, and representatives of foreign banking houses in New York to meet him at once at the subtreasury. They promptly responded. It was a very important conference. Public interest was keenly alert as to its purposes, the press having kept it informed of preceding events. But its deliberations were carefully guarded. Mr. Jordan not only refused to divulge any information, but denied that any conference was being held. The daily press attempted, without success, to obtain information of its doings. The Post said:

> Conrad N. Jordan took charge of the Subtreasury this morning as assistant treasurer. To a reporter of the Evening Post he declared that he had nothing to say; that he had no conferences with anyone or anybody, and knew of none. At that time J. Edward Simmons, of the Fourth National, Henry W. Cannon, of the Chase, Brayton Ives, of the Western, and Charles J. Canda, ex-assistant treasurer, were in Mr. Jordan's private room. They were in consultation with Mr. Jordan for some hours. During that time George I. Coe, of the American Exchange National, called and saw Mr. Jordan twice. Mr. Jordan and the bank officers were still in conference at 12 o'clock. Mr. Fairchild joined them a little before noon. Mr. Jordan's conferences with the bank officers named continued, so far as those waiting on the outside could tell, until 1 o'clock. Then the bank presidents arrived and were at once ushered into Mr. Jordan's office. Among these were E. K. Wright, James Stillman, and E. H. Perkins, jr.

The Sun of the 25th gave practically the same account, but added that Mr. Jordan's conferences were "the result of his talk with President Cleveland."

The Times of the 25th said that—

> from the time Wall Street began business yesterday morning until long after most of the offices were locked up for the day Conrad N. Jordan, the assistant subtreasurer of the United States in this city, was in conference with bankers. There were meetings morning, afternoon, and by gaslight.

Said the Herald:

> An all-day secret session of bankers and trust company officials at the Subtreasury did not relieve the apprehensions of the Street. Although the meeting formally closed about 3 o'clock, other bankers came in, and some returned who had been called away. In this way Mr. Jordan was closeted all day with financial magnates. "What was it all about?" asked anxious Wall Street. There were only evasive replies from those who had been at the meeting. They said they had been pledged to secrecy.

One thing determined on soon became apparent. This was a conference with the Secretary of the Treasury. For Mr. Carlisle wrote Mr. Jordan on April 26 that he would reach New York the next evening and would meet the New York bankers at their convenience. He arrived according to program, and at half past 4 o'clock on the afternoon of the 27th was driven to the residence of Mr. George G. Williams, of the Chemical National Bank, where he was welcomed by Mr. Jordan and by Presidents Perkins, Tappan, Woodward, Ives, Cannon, Coe, Sherman, and Simmons. We are told that the meeting was marked by the most cordial spirit on the part of the Secretary and the bankers. That the latter recognized the difficulties of Mr. Carlisle's position and the former thanked the bankers for their expressions of sympathy. Then they proceeded to get down to the business that called them together, which was to make a practical demonstration to the business men of the South and the West of the injurious effects of the Sherman law upon their trade and finances, that being necessary to convert the fanatics of those sections to vote for a repeal. This seemed desirable on all sides, and while the administration would not aggravate the situation, it would do nothing to prevent or assuage it.

It is not probable that the purpose of the meeting or the policy of the administration was discussed with such brutal frankness. But that was not necessary. Mr. Jordan had arranged the preliminaries. Mr. Carlisle approved them. The stage settings then became complete; the time had come for the curtain to rise that the drama might be enacted. The object lesson had been prepared; it only remained to administer it.

It may seem incredible that the Secretary of the Treasury should have given his sanction to a raid upon the commerce and industry of the country, but the fact is so. The meetings and consultations I have narrated concerned that subject and arranged its details. On April 28, 1893, the New York Sun said:

> President Cleveland's advisers have told him that the only way to induce the western Senators and Congressmen to consent to a repeal of the silver law is to demonstrate to their constituents that they are losing money every day that this law is in operation. Missionary work in that direction has been started by a number of the bankers in the East—and the Chicago bankers, it was said, have been carrying out the same line of policy.

On April 29 the Tribune, referring to the bank presidents' conference, said that its results—

> confirm the intimations that have been given that Mr. Cleveland looks to the strengthening of a sound-money sentiment through a practical demonstration to business men at the West and South of the injurious operation of the silver law on trade and finance.

Same day:

> A prominent man well versed in financial questions, who came from Washington on Wednesday (April 26), said yesterday that while the administration would exert all its powers to defend the integrity of the Government, it had decided that an object lesson which would help the cause of financial reform might best be found in the distress which the monetary stringency may cause.

That prominent man could have been none other than the Secretary of the Treasury.

A Sun dispatch from Washington, April 29, said:

The subjugation of Congress to the views and purposes of the administration is the determination of Mr. Cleveland uttered through Secretary Carlisle to the New York bankers. The statement of Mr. Carlisle to the bankers makes it clear that while Cleveland works in Congress, the bankers will be expected to work not in New York only, but throughout the country—doing their utmost to pinch business everywhere, in the expectation of causing a money crisis that will affect Congress powerfully from every quarter.

After the Carlisle conference on the 27th the campaign of disaster began. Its progress was chronicled in all the daily papers, but I will let the Tribune tell the story.

On Sunday, May 1, it said that the week ending with April 29 had displayed remarkable strength and courage, but the upward movement in prices culminated at the opening on Friday morning and for the last two days it was reversed. On Monday, the 2d, it said that the increasing difficulty of borrowing money of the New York banks was an unfavorable feature of the exchange.

On Tuesday it said the stock market continued to decline. On Wednesday it reported the market as active and in some cases materially lower, but at no time panicky. On Thursday it said:

This was a day of enforced liquidation at the stock exchange, and where the security was not ample several banks did not hesitate to put the collateral on the market.

On Friday, the 5th, it said:

Events are moving rapidly in Wall Street. President Cleveland and Secretary Carlisle are comfortable and confident, Washington dispatches state, but the stock and other markets are not. The administration thinks the Treasury is in no danger, and if some people suffer, it is hoped that their suffering may dispose their minds to the President's wishes. Apparently he counts upon severe pressure in finances and business to change the hearts of the silver men.

On Friday, the 5th, the storm broke in full. The Tribune accounts of its havoc filled four and a half of its columns.

This—

It said—

was a day of terrible strain. The stock exchange trembled. The significance of its situation lay in its threatening character, which menaced at one time a panic that, if it had escaped control, would have produced disastrous consequences impossible to measure. The enormous losses of the week, the utter demoralization of the buying power of the market, and the practical paralysis of credit promised a liquidation which, unless stayed, would have swept them all off their feet.

This condition, with intermittent changes, accompanied by failures and suspensions throughout the country, continued until June 25, when Great Britain announced the closure of the Indian mints against the further coinage of silver. That this monstrous outrage against millions of dependent and helpless subjects of the British Government was part of the general scheme to force the hand of the American Congress by the infliction of a premeditated disaster upon the people seems incontestable, for it came at a most appropriate time, as the cunning act of a prearranged plan, requiring a special session of Congress for its final consummation. Five days afterwards the President issued his proclamation for the session.

I shall not trace the progress of the commercial calamity of 1893. Its awful consequences are too fresh in the minds of this generation to make it necessary. I shall merely advert to some of the comments of the New York papers upon its progress.

On May 22 the Tribune said editorially:

The President has reason to claim that he is succeeding if he desires to bring severe pressure upon business men. Whether the effect will be to render them more favorable to his policy is not yet clear. But there is no lack of pressure.

On May 29 the same paper said:

The West and the South are receiving the "object lesson" the present administration threatened, and it is reported that some prominent Members of Congress have been converted in regard to the pernicious effects of the Sherman law.

This paper announced the closure of the Indian mint in these headlines:

A blow at silver values—The action of India severely depresses the white metal, stimulating the repeal sentiment—The silver men dumb.

On July 28 the Evening Post said:

There is nothing like an object lesson to open the eyes of the people to the working of a principle

And its exultation over the widespread ruin that followed in the wake of this object lesson culminated on September 21 in this announcement:

An unusually large amount of domestic paper will mature next month, and extensions are already being extensively asked for by merchants. The banks, however, are not so complacent as they were two months ago. Then, as a bank officer said this morning, it was a case of mutual assistance; the banks could not afford then to let solvent concerns fail or suspend on account of the bad effect such failures would have on the general situation. Now the situation is different. The banks are strong in cash and can afford to be more independent. Therefore the merchants who can not meet their obligations will have a harder task to get extensions or more accommodation, and their failure now would be regarded with comparative complacency, in order to clear the financial atmosphere.

The evident satisfaction with which this paper announces that the banks, though amply able to do so, will not save struggling solvent merchants from failure, but will regard the latter with complacency, is astounding. To "clear the financial atmosphere"—that is, to force a repeal of the silver law—bankruptcy and ruin are not only permitted but welcomed.

The heartlessness, the callous indifference of confederated wealth to such conditions is appalling. And the policy was finally successful. After a long heartrending struggle the Senate yielded, the battle ended, and in October, 1893, the silver law was repealed. The New York bankers, their hands red with the blood of slaughtered prosperity, bore their trophy from the field. To win it they plunged their country into an abyss of misery, strewed ruin and bankruptcy throughout the land, destroyed values by the hundreds of millions, and beggared countless thousands of their countrymen.

They were able to do this by the utilization of two distinct but closely related agencies. One of them was the widely extended credit of that period. A preceding season of good times had stimulated the building of railroads and the pursuit of many enterprises financed by bond issues and bank discounts. A tremendous amount of commercial paper was held by money lenders, and municipal and public-utility improvements had made large demands upon the money volume. By refusing further credit, calling loans, and rejecting discounts, confidence could be easily exchanged for fear. Money stringency would follow swift upon the heels of demand, and those controlling the funds could dictate to men whose needs were overpowering. This policy was remorselessly pursued, and with but few, if any, exceptions.

And here I may say that nearly all the financial panics of history have their genesis in the accumulation of debt. Men borrow in times of ease, when the prospect is cloudless and prosperity beckons to adventure. Money is then easily obtainable and the land is busy with countless and diversified activities. But the day comes when the mass of obligation is too unwieldy for the existing civilization to support it. A large and unexpected default somewhere first startles, then starts the avalanche, and panic is upon us. It may be accelerated as it may be retarded or avoided by those who are familiar with conditions and possess the power to influence them. In 1893 we were approaching but had by no means reached the limit of the country's power to carry its public and private burdens. Prudence doubtless would have suggested a policy of retrenchment, but general bankruptcy was beyond the horizon. But credit had been used in ample measure for the architects of the proposed object lesson to make their scheme effective.

The second agency was the New York Stock Exchange, the Monte Carlo of American finance, the most prodigious gambling hell of this or any preceding age. Under our system of corporate organization, whereby all the trades and pursuits of man are capitalized and embodied in the issue of stocks and bonds, it manipulates and levies tribute upon them all. Shares and securities, representing trade, transportation, production, and manufacture, are the pawns and counters of its games and combinations. It plays with loaded dice, deals marked cards, and uses all the devices of cunning and deceit. It is the swindlers' paradise. It is a huge vampire, that sucks the blood from the arteries of industry. It is an unincorporated, irresponsible monstrosity. It is beyond the pale of the law. Its votaries pay it homage without transgressing any commandment, for there is nothing like it in heaven, on earth, or in the waters under the earth. It is the antithesis of fair dealing and common honesty. It has sanctified speculation, made men discontented with the slow and safe processes of accumulation, and created a mad and universal desire for wealth without toil and struggle. It is the most pernicious and corroding influence in the land. But it is nevertheless the most potent of all instruments for the transfer of property from the possession of the many into the hands of the few. Even so it operates by the connivance of the great metropolitan reserve banks, through whose channels it utilizes the money of the land.

This constitutes its chief support, without which it would collapse of its own weight. Sustained by this mighty financial influence, its hold upon the Nation's commerce has no limitations. Its finger is ever upon the country's pulse, controlling its financial course and dictating its industrial policy. The money power feeds it funds or starves it by withholding them, as their plans or ambitions suggest. It is their facile instrument for the accomplishment of ulterior ends. By its agency they help or hinder the Nation's progress, fix the prices of securities, and juggle with all the schemes and pursuits of man. No power save that of the Nation can stay the progress of this juggernaut or arrest the hand that guides it.

The cooperation of this institution with that of the banks at this juncture was therefore inevitable. The national administration alone could have stood in the way, but it became an accessory before the fact to the commercial crime of the century. It applauded the actors as the tragedy proceeded. Without its connivance the plan would have miscarried. It would not have been projected. For the first and, I sincerely pray, the only time in our history the people's Government became the open ally of a powerful private interest for their own undoing. It remained passive as the plot unfolded, it became active as action was desired. Congress fought as long as endurance permitted, but it could not overcome the union of money with the national administration. The special session adjourned late in October. It had expunged the silver law from the statute books and business was prostrate from ocean to ocean.

Shortly afterwards, and on November 3, the Tribune said that—

> The President in explaining his refusal to call an extra session of Congress last spring showed by his remarks on the subject that he clearly anticipated serious reverses during the summer. He stated that he proposed to let the country have an object lesson and learn by experience what the silver law was doing.

But he knew, and the country also, that such was not the lesson that he taught. The bitter lesson learned was the extent to which the financial and political enemies of that law would go in order to encompass its repeal.

On November 27, 1893, the Tribune gave a graphic picture of the effects of the panic. It said that it had caused—

> a financial disturbance and widespread business depression that cost thousands of millions in depreciated values, administered a blow to public and private credit from which it would take years to recover, and carried hardship and privation and distress into thousands of homes all over the land.

And added that—

> President Cleveland exhibited a clear knowledge when he said last spring that just such a lesson was needed and that without it nothing could be done in the direction of repeal.

Other facts connected with the causes of this panic are abundant; but I need not recall them. There can be no denial of the origin and purpose of this frightful calamity. Mr. Cleveland and the New York banks conspired to wreck the progress and prosperity of the Nation that they might be rid of an unwelcome law. The sinister power of money in combination was never more signally demonstrated. The Money Trust existed then as it has existed since. It swept silver money from its pathway then as it conspires to wrest the power of note issue from the Government now; but with this fundamental difference—it controlled the Government then but does not control it now.

The Wilson bill was not framed until after all these things had transpired. It was introduced in the House at the regular session of the Fifty-third Congress, which convened on the first Monday in December. It did not become a law until August of the following year. It succeeded the McKinley tariff, which was meanwhile in unrestricted operation. If the tariff had anything to do with the tragedy of 1893, it was the McKinley and not the Wilson tariff.

It is true that the effects of the panic extended through and far beyond the enactment of the last-mentioned law, but this would have been so had it never been enacted. And if the disaster whose coming is now so freely predicted shall overtake us in the near future, it will be caused not by the enactment of the pending revision bill, but by the same influences which produced it before. I do not say they will do it. I do not think they will do it. They have no partnership with the administration. That has been dissolved by the people. They will have no cooperation there. The temper of the people has changed. They can not be fooled all the time. They will hereafter fix the responsibility for commercial disturbances where it belongs. Their ability and disposition to do so is most apparent. They have recovered possession of their Government, they will restore its legitimate functions to the end that all may enjoy its benefits as all must share its burdens.

I know that this determination is not relished by those who have so long used the influence of the Government to the furthering of their own fortunes, and that every effort will be made to thwart it. I know that their resources are as powerful as their scruples are weak; that privilege never surrenders until it has been entirely overcome. And yet I do not fear the consequences of our transition from the extravagances of prohibitive protection to the equities of a tariff for revenue. I may be a dreamer, as I have been charged with being, but I am convinced that a sober second thought is even now staying the spirit that would set in motion the forces of financial disaster. The demand for revenue reform has been insistent for years. It has recently asserted itself at the polls. Its representatives have been invested with authority and its accomplishment is at hand. The good sense, the courage, and the optimism of our countrymen in all the walks of life, and above all their ready acquiescence in the verdict of the majority will pilot the Nation safely through all dangers that may beset its course.

Mr. CHILTON. Mr. President, on the 15th of August, 1911, a matter which bears upon the very able speech of the Senator from Colorado [Mr. THOMAS] was adverted to in this Chamber. I send now to the Clerk's desk and ask to have read the remarks of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on that occasion, which I think are pertinent to the matter in hand.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

> Now, Mr. President, the Senator from Utah [Mr. SMOOT] made a most pathetic appeal to the Senate not to pass the proposed reductions in the duties of Schedule K, lest we bring on again business depression and disaster such as visited us in 1893. And he charged the dire effects of that period against the Wilson tariff law. I never have believed the Wilson tariff law was the cause of the financial troubles of that time. Those troubles began before the enactment of the Wilson tariff law. It was a period of general business depression. It began abroad in 1890 and swept over the whole world. It culminated in the panic of 1893. It is puerile to attribute it to the Wilson tariff law of 1894. I know the claims that have been made by many Republican newspapers and campaign orators, and I know how labor has been appealed to, and, as election approaches, how it has been driven to the support of the standpat policies and candidates out of the fears that have been played upon in the heat and fever of the campaign, threatening a repetition of those heartbreaking times if the sacred tariff rates of the Dingley and Payne-Aldrich laws were even threatened with revision.
>
> I hope, Mr. President, that the voters of this country are becoming enlightened enough to know that those appeals are without any substantial economic basis. There were other amply sufficient reasons to account for all of the depression and financial distress that swept over this country at that period of time. I do not know whether we have recovered more rapidly following the panic of 1907 than we did the panic of 1893, because the financial troubles of 1893 were world-wide. The panic of 1907 was confined to this country, and it came upon us without any justification, financially or economically. There were no industrial disturbances. It had no relation to tariff legislation any more than the panic of 1893 was related to the Wilson tariff law, which was enacted in 1894.
>
> Mr. President, I have differences with gentlemen upon the other side. Those differences rest upon certain principles. I am willing to fight those differences to a finish with the Democratic Party, but when the Republican Party can not win upon any issue without juggling and pettifogging the case, I refuse to make that kind of a campaign.
>
> I shall not be surprised, Mr. President, if the people of this country, whenever we revise the tariff or whenever we endeavor to pass tariff legislation, shall be treated, if not to a real panic, to something that looks like a real panic. The industrial and economic changes that have been imposed upon the people of this country in recent years have placed the control of business in the hands of a very few men. It is not difficult for those men to give this country a panic and to push them over into it at any time. So I anticipate, Mr. President, that whenever we attempt tariff revision or seek to enact legislation interfering with the trust control of business a panic will be foreshadowed, that prices will be depressed for the products of the farmer, that labor will be thrown out of employment, and that all of the threats which will serve to frighten the farmer and the wage earner will be heard on the hustings and seen on the printed page. But I shall do what I can to persuade the business men of small means and the wage earners of this country to discredit those warnings as having any logical relation to wholesome legislation.
>
> The predictions of panic resulting from tariff reductions may come true. They can be brought to pass. They need not come true. These great industries are overprotected. Their duties could be reduced in most cases much below the point fixed in this conference report and not disturb in the slightest degree a single industry in the country. Of that I am confident. These duties will be reduced, Mr. President, if not at this session of the Congress then in the very near future; and defeat at this time, whether it be here or whether it be interposed by Executive veto, as threatened, will not long delay the lifting of these great burdens from the backs of the American people. (CONGRESSIONAL RECORD, 62d Cong., 1st sess., p. 3955.)

Mr. CHILTON. Mr. President, I merely wish to say to the Senate, in explanation of my bringing this matter to its attention now, that we on this side regard the senior Senator from Wisconsin as a fair fighter. He does not strike under the belt. The Senator from Colorado had dug the grave of this unfair argument against the Wilson bill, and I wanted the senior Senator from Wisconsin to erect the tombstone and be present—in spirit, at least—at the obsequies.

Mr. CUMMINS. Mr. President, I rise simply to ask one question of the Senator from West Virginia. Was the speech, an extract from which has just been read, made in favor of a bill that attached a duty of 30 per cent upon wool?

Mr. CHILTON. The Senator can recollect better than I. It was when Schedule K was under consideration in August, 1911. I am not a tariff expert. I did not take much part in that debate. I only wanted this sentiment to go before the country in connection with the speech of the Senator from Colorado and have the Senate know that it came from the Senator from Wisconsin, a Republican, but a careful, earnest man who despises an unfair argument.

Mr. CUMMINS. I am very glad that the Senator from West Virginia has put into the possession of the Senate the sentiment announced by the Senator from Wisconsin, a sentiment in which I concur, but I wanted that there should accompany it the fact that the bill introduced by the Senator from Wis-

consin provided for a duty of 35 per cent, I believe, upon wool; that the conference report, upon which probably this speech was made, although I do not know, provided for a duty of 29 per cent upon wool; and that in so far as I am concerned, and I think I speak also the view of the Senator from Wisconsin, we would be entirely satisfied at this time with a similar duty upon wool.

Mr. THOMAS. I should like to ask the Senator a question for my information, as I was not a Member of this body at that time. Is it not a fact that the Senator from Wisconsin was then meeting the same argument of panic and disaster based upon a bill providing for a 35 per cent duty on wool that is now being made in this discussion as against the Underwood bill, which provides for no duty at all?

Mr. CUMMINS. Mr. President, there is just the difference between free wool and a duty of either 35 per cent or 29 per cent, according to the occasion upon which this speech was made. I think it was made upon the bill which he himself introduced.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. Yes.

Mr. CHILTON. I wish to correct the Senator. I recall now that the duty which was fixed by Senator LA FOLLETTE's amendment was 29 per cent. At least that was the rate which he was trying to maintain in the Senate.

Mr. CUMMINS. The Senator from Wisconsin originally introduced a bill providing for a duty of 35 per cent, while the House passed a bill providing for a duty of 20 per cent. In collaboration with our Democratic friends upon the other side it was agreed that there should be a duty of 29 per cent, and it was upon that bill or upon his original bill that the Senator from Wisconsin made the speech to which reference is made.

I can not allow the zeal of my friends upon the other side to put those of us who were and have been for a long time in favor of a sharp reduction in duty in the attitude of favoring a complete removal of duty.

Mr. CHILTON. Mr. President, I have only to say that I was not trying to put the gentlemen upon the other side in any position. I did not mention the tariff nor a rate nor anything of that kind. I simply wanted the country to know that in his deliberate moments, when he had thought upon the question, on another occasion, the senior Senator from Wisconsin [Mr. LA FOLLETTE], a Republican, was square enough and manly enough to put a quietus upon this argument which had been used by gentlemen upon the other side. I had no other purpose in view. I am willing for that part of the speech of the Senator from Wisconsin to speak for itself.

Mr. SMOOT. Mr. President, the speech which was delivered by the Senator from Wisconsin and which has just been read was made upon the conference report on the wool schedule. It shows that it was in answer to a statement that I had made in relation to that conference report.

When doctors disagree the patient is to be sympathized with. The Senator from Colorado [Mr. THOMAS] to-day pictured the prosperity which the country was enjoying during the year 1892. That prosperity included 1890, and the Senator referred to a number of years prior to that time. The Senator from Wisconsin, in the speech just read, said that the panic was not caused by the passage of the tariff bill, because the panic had been impending for a number of years before, and the depression of business was felt not only in this country but all over the world. So one or the other statement is largely erroneous.

I say now, Mr. President, that there is no question in my mind that the passage of the so-called Wilson bill was the means of bringing to this country a great deal of the untold suffering that came to our working people following its enactment. As I said on a previous occasion, when the Senator from Colorado was discussing this question some months ago, if the conditions in the world to-day were the same as they were in 1893 there is no question in my mind but that the passage of the pending bill would bring exactly the same results as the passage of the Wilson bill brought in 1894. It was not a question of the amount of money that was in circulation at that time that brought on the panic, but it was a lack of confidence in the business future of the country from one end of this country to the other.

Mr. President, I merely wanted to say this much in answer to the statement which has just been read at the request of the Senator from West Virginia [Mr. CHILTON].

Mr. WILLIAMS. Mr. President, I had no idea of saying anything in reply to what the Senator from Utah [Mr. SMOOT] has just said. I rise for the purpose of making a statement; but before I make the statement it perhaps would be well enough to "reminisce" a little—if that be a correct English word, and if not I originate it now. I remember very distinctly a man by the name of Gen. Weaver, from the State of Iowa, traveling over this country in 1890, 1891, and 1892, voicing all the discontent of the country, boasting in Meridian, Miss., in my presence, that he had counted his audiences in the West "not by the thousand, but by the acre," voicing the general complaint that the farmer everywhere was not getting a price commensurate with the cost of production. So far as the cotton farmer was concerned that was true; so far as the corn farmer was concerned it was true; so far as the wheat farmer was concerned it was true. Gen. Weaver laid it all to the fact that we did not have free silver coinage at 16 to 1, regardless of the will of the other nations of the world.

Mr. President, there is not in the Senate a man with a memory beyond that of a 20-year-old boy, and with average intellectual integrity, who does not confess that the great world-panic, which culminated in this country in 1893 at its most acute stage, had already begun in the balance of the world, especially in Australia and in Great Britain, with the failure of the Baring Bros., as early as 1890. The only reason why it came to the United States not earlier than 1893 was because the United States, by reason of its inexhaustible resources, its inventiveness, and many other advantages, including cheap land as the chief advantage, was able to stall it off for three years. It struck London, it struck Vienna, it struck Australia, it struck the balance of the world, rebounded around us, and reached the United States latest of all. At that time men of the school of thought of the Senator from Utah [Mr. SMOOT]—although he was not a Member then of either House—but men of his school of thought were telling us that the reason for the panic was that we did not repeal the purchasing clause of the Sherman Act.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Certainly.

Mr. SMOOT. I do not want the Senator from Mississippi to put me in that category, because that is not true so far as I am personally concerned.

Mr. WILLIAMS. I said the Senator was not then in either House, but that the men of his school of political thought, the "stand-pat Republicans," with Thomas Brackett Reed at the head of them—and I was at that time in public life—were making the argument every day that the cause of the panic was that we would not speedily enough repeal the purchasing clause of the Sherman Act. There is no doubt about the fact that a general depression for two or three years preceded the acute stage of the panic of 1893. There is no doubt about the fact that after the panic in 1893 occurred conditions got worse and worse for a certain period, and then, when things got to rock-bottom and debts had been liquidated, conditions got better and better up to a certain period.

The whole history of panics is simply this, Mr. President: That undue prosperity, accompanied by undue speculation and general indebtedness, leads to panic, and that, after the panic has come, then, when humanity begins to preserve itself by getting down to a rock-bottom basis, adversity again leads to prosperity. Prosperity leads to panic and panic leads to prosperity. That is the history of the whole world from the beginning of time down to now. Whenever men get to imagining that they are so rich they need not take care of their pocketbooks they run into debt; when they run into debt too much they run into a panic; and after they have run into a panic too much they have to quit running into debt, because nobody gives them credit. Then after they quit running into debt, financial society reestablishes itself.

The Wilson bill had no more to do with the panic of 1893 than my baby boy's son's birth had to do with what took place in Judea in the times of Christ. Anybody who has any sense, coupled with any intellectual integrity, knows that.

Mr. WARREN. Well, Mr. President, it took the American people a good while to find it out.

Mr. WILLIAMS. Oh, of course.

Mr. WARREN. The American people have pretty generally believed that the Wilson bill was largely responsible for the misfortunes of that period.

Mr. WILLIAMS. Because there were a lot of liars going around loose in the land who coupled a great deal of intelligence with a great deal of expert information, backed by special privilege and special interests, and who were preaching the doctrine that the tariff bill which passed in September, 14 months after the panic began, was the cause of the panic that preceded it by 14 months. There never has been a day in the history of the world when an organized lie could not make an

impression, and that particular organized lie made its impression, but the American people have now found out that it was a lie originated and spread by political organization.

Mr. WARREN. By what authority does the Senator say that the American people have found out that it was a lie?

Mr. WILLIAMS. By the authority of the last election, which put Woodrow Wilson in the White House.

Mr. WARREN. What will the Senator say if the next election should reverse results?

Mr. WILLIAMS. I should say if the next election should reverse that result that the American people would have some good reason for it, but until that times comes I can not tell what reason there may be.

Mr. WARREN. I did not know but that the Senator would tell us at this time what the American people were going to do about it next time.

Mr. WILLIAMS. No. Mr. President, it seems to me that this ghost ought to be buried. It seems to me that it ought to be buried with the "bloody shirt"; it ought to be buried with the "mercantile theory"; it ought to be buried with a lot of other fool things in which humanity has from time to time been persuaded to believe.

I do not believe that there is in the world an honest man, with full information, who believes that the panic of 1893 was due to the passage of the Wilson bill in 1894. That depression began in 1890. I remember distinctly when Gen. Weaver was making a speech in Meridian, Miss., that I asked him to divide the time with me, and he declined. That was in 1891, when he said, as I quoted him a moment ago, that he had counted his audiences in the West and in the Northwest "not by the thousand, but by the acre," and he was telling the truth. He had counted them by the acre because the agricultural population of this country was in a condition of distress and suffering that it had never known previously in the history of the United States. At that time Cleveland's election was not even dreamt of; a reform of the tariff was not even horoscoped. The Populist Party grew in strength in the State of Mississippi until it threatened to carry it like a prairie fire, and the only thing in the world that stemmed it was the fear of negro rule. Every Senator here remembers that. The Senator from South Carolina [Mr. TILLMAN], I am sure, remembers the same condition in South Carolina, and every Senator here will remember a like situation all over the South.

Mr. President, I did not rise for the purpose of making a speech. I rose for the purpose of making a statement. The chairman of the Finance Committee has requested me to state that on Friday, when the Senate meets at 12 o'clock, the report of the majority on the tariff bill will be filed, and the Members of the Senate are generally invited to begin the debate upon the bill and its amendments as they come from the Senate committee.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and it was thereupon signed by the Vice President.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 40 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Friday, July 18, 1913, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 15, 1913.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Oliver P. Newman to be a Commissioner of the District of Columbia.

COLLECTOR OF INTERNAL REVENUE.

Charlton B. Thompson, of Kentucky, to be collector of internal revenue for the sixth district of Kentucky, in place of Maurice L. Galvin, superseded.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Rae Bartley Hall to be third lieutenant in the Revenue-Cutter Service.

PROMOTIONS IN THE NAVY.

Capt. Clifford J. Boush to be a rear admiral.
Commander George W. Logan to be a captain.
Lieut. Commander Frank B. Upham to be a commander.
Lieut. (Junior Grade) Wilfred E. Clarke to be a lieutenant.

The following-named paymasters to be paymasters with the rank of lieutenant commander:
George P. Auld.
James S. Beecher.
Henry A. Wise, jr.
Henry de F. Mel.
John A. B. Smith, jr.
Felix R. Holt.
Emmett C. Gudger.
Stewart E. Barber.
Howard D. Lamar.
Ervin A. McMillan.
Eugene H. Tricou.
William C. Fite.
David C. Crowell.

The following-named passed assistant paymasters to be passed assistant paymasters with the rank of lieutenant:
William R. Van Buren.
Raymond E. Corcoran.
Elwood A. Cobey.
Spencer E. Dickinson.
Robert S. Chew, jr.
Russell Van de W. Bleecker.
Major C. Shirley.

The following-named naval constructors to be naval constructors with the rank of lieutenant commander:
Julius A. Furer.
William B. Fogarty.
Sidney M. Henry.
Lewis B. McBride.

The following-named assistant naval constructors to be assistant naval constructors with the rank of lieutenant:
Philip G. Lauman.
Arthur W. Frank.
Ralph T. Hanson.

The following-named civil engineers to be civil engineers with the rank of lieutenant commander:
Ernest H. Brownell.
Ernest R. Gayler.
Paul L. Reed.
Frederic R. Harris.
Archibald L. Parsons.

The following-named lieutenant commanders to be commanders:
Emmet R. Pollock.
Chester Wells.

The following-named ensigns to be lieutenants (junior grade):
Paul L. Holland.
Richard C. Saufley.
James L. Kauffman.
Harrison E. Knauss.
Frank R. Berg.
Paul H. Bastedo.
Jabez S. Lowell.
Archibald H. Douglas.
William W. Wilson.
Lee P. Warren.
Abner M. Steckel.
James G. Stevens.
Robert R. M. Emmet.
Raymond G. Thomas.

Francis C. Clark to be an assistant surgeon, Medical Reserve Corps.

POSTMASTERS.

IOWA.

Harry A. Cooke, Eagle Grove.
Edward L. Hall, Chelsea.
Michael J. Harty, Lone Tree.
D. E. Horton, Lime Spring.
Orson R. Hutchison, Arlington.
Charles S. Marshall, Deep River.

KANSAS.

A. F. Hamm, Nortonville.

OHIO.

Frank M. Carlin, Cleves.
Roy C. Hale, New Vienna.
W. A. Lowry, Urbana.
Hoyt B. Mahon, Dunkirk.

OKLAHOMA.

Samuel C. Campbell, Enid.

WASHINGTON.

Preston F. Billingsley, Ephrata.
Mary Dillabough, Conconully.

Charles G. Gehres, Connell.
Charles E. Guiberson, Kent.
Theo Hall, Medical Lake.
Ethel R. Joslin, Port Orchard.
Garrett R. Patterson, Malden.

WISCONSIN.

Frank Gottsacker, Sheboygan.
F. W. Keuper, Union Grove.
Wigand B. Krause, Port Washington.
John S. Meldeen, Palmyra.
George Wildermuth, Sheboygan Falls.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 15, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, imbue us plenteously with energy, skill, courage, and help us to apply them unto wisdom, that we may work the works of righteousness and pass on our way rejoicing in the fruits of a well-ordered life upon which Thou canst look with approval, leaving behind us a record which those who shall come after us may follow with impunity. And Thine be the praise through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Saturday, July 12, 1913, was read and approved.

ADJOURNMENT UNTIL FRIDAY.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

Mr. MANN rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. MANN. Mr. Speaker, would it not be better to wait until after this bill is disposed of?

Mr. UNDERWOOD. I understand from the gentlemen in charge of the bill that it can be disposed of to-day and that the other matters that are pending can be disposed of to-day.

Mr. MANN. I think that is true, but if anything should happen by which it should not be, or if the Senate should not dispose of the bill to-day, it would be desirable to have the House meet before Friday.

Mr. UNDERWOOD. I would say to the gentleman that we can undo it by unanimous consent if desired. After this bill is disposed of there will probably be some debate on other matters that may be extended, and I would like to get the order made now, if there is no objection.

Mr. MANN. Very well. I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CORRECTION.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to correct a statement I made in the RECORD in regard to the Mulhall inquiry. It is not a correction of the RECORD, but a correction of a statement that I made.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] asks unanimous consent to make a correction. How much time does the gentleman want?

Mr. MURDOCK. Two or three minutes.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] asks two or three minutes in which to make a correction of a statement he made. Is there objection?

There was no objection.

Mr. MURDOCK. Mr. Speaker, during the pendency of the Mulhall inquiry resolution, while the gentleman from Wisconsin [Mr. COOPER] was arguing a motion to make all the hearings open, I made the statement that one of the meetings or hearings of the Senate committee had been secret. I made that statement upon information which I had found in the morning Post, July 9, 1913, which was as follows:

The committee tried to bring out whether Lamar had any stock in the Steel Corporation about the time the investigation resolution was introduced, or held any Union Pacific or Southern Pacific recently or now.

EXPLAINS IN SECRET SESSION.

When the committee reassembled after luncheon it held an executive session, into which David Lamar was taken for questioning.

After the committee had listened to a confidential explanation of some of Lamar's testimony Chairman OVERMAN announced that it was not material and would not be made public. The questioning in public then was resumed.

Since that time, Mr. Speaker, Chairman OVERMAN, of the lobby investigating committee of the Senate, has stated that there have been no secret sessions of the Senate committee save three, in which the matter of the admissibility of testimony was gone into, and no secret hearings. I make the correction, and am glad there are no secret hearings on the part of the committees, either in the Senate or in the House.

EXTENSION OF REMARKS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a joint and concurrent resolution passed by the Missouri State Legislature at its last session.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RUSSELL. I desire to state that I offer it at the request of its author and wish to say that while I can indorse much that it contains, there are some of its contents to which I do not agree.

STATE OF MISSOURI,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, Cornelius Roach, secretary of state of the State of Missouri, and keeper of the great seal thereof, hereby certify that the following pages contain a full, true, and complete copy of a concurrent resolution of the General Assembly of the State of Missouri, entitled "Joint and concurrent resolution asking Congress to call a constitutional convention or to submit to the several States through a congressional joint resolution, an amendment to the Constitution of the United States, correcting the manner in which the constitutionality of State enactments shall be determined by the Supreme Court of the United States," and that the journals of the proceedings of the house and senate of the forty-seventh general assembly show that said joint resolution was adopted.

In testimony whereof, I hereunto set my hand and affix the great seal of the State of Missouri. Done at the city of Jefferson, this 15th day of April, A. D. 1913.

CORNELIUS ROACH, *Secretary of State.*

House joint and concurrent resolution 23, forty-seventh general assembly.

Joint and concurrent resolution asking Congress to call a constitutional convention or to submit to the several States through a congressional joint resolution, an amendment to the Constitution of the United States, correcting the manner in which the constitutionality of State enactments shall be determined by the Supreme Court of the United States.

Whereas a single judge of an inferior Federal court has time after time nullified and amended the solemn enactments of the Legislative Assembly of the State of Missouri and of other States of this Union, and has even destroyed provisions of the constitutions of the States, made after the most deliberate thought and study in convention or by the sober verdict of the whole people; and

Whereas this manner of destroying and amending the deliberate enactments of a sovereign State has no specific warrant in the Federal Constitution, and is not in keeping with the dignity of this State or of any other State of this Union; and

Whereas it is not in keeping with the spirit of free institutions that the ruling of an inferior Federal court shall nullify the deliberate acts of the people of a whole State; and

That in order to correct these evils, an amendment to the Federal Constitution, to be known as Article XVII, be proposed to the several States for their ratification or rejection, to wit:

Be it resolved by the house of representatives (the senate concurring therein) as follows: That we apply to the Congress of the United States and respectfully ask that an amendment to the Federal Constitution to correct these evils be proposed to the several States for their ratification, to wit:

To the Congress of the United States:

In pursuance of the rights reserved to themselves by the sovereign States of this Union, we, the representatives of the State of Missouri regularly met in general assembly, do hereby apply to you and respectfully ask that you either call a constitutional convention for the purpose of proposing to the several States of the Union the amendment to the Federal Constitution given below, or that you propose to the several States for their ratification, according to Article V of the Constitution of the United States, said amendment, to wit:

ART. XVII. No inferior Federal court shall have jurisdiction over questions involving the constitutionality or the validity of any State law; but a law of any State, when called in question as violating the Constitution of the United States, or as conflicting with any Federal statute, shall be certified immediately to the Supreme Court of the United States, and shall be given precedence over all other business before said court. No Federal court shall issue any writ of injunction, restraining the execution of any State law, and no appeal to the Supreme Court of the United States, involving the validity or the constitutionality of the law of any State, shall operate as a supersedeas. Every question involving the rights of a State or the validity or constitutionality of a State law shall be decided by the concurring opinion of every member of the Supreme Court.

And be it further resolved, That every State in the Union be respectfully requested to join with us in this memorial to Congress, and that a copy of this resolution be sent to the governor and secretary of state of each State, and to such general assemblies of States as are now in session, and to all other general assemblies of States as soon as they shall convene; and that copies be sent to the President of the Senate of the United States and to the Speaker of the House of Representatives.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article that

appeared in the Philadelphia North American on the visit of some Indian chiefs to that city. It is of some interest to Congress.

The SPEAKER. The gentleman from Minnesota [Mr. LINDBERGH] asks unanimous consent to extend his remarks in the RECORD by printing an article out of the Philadelphia North American about some Indian chiefs. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, just before the close of the last Congress an editorial appeared in The North American, of Philadelphia, on the North American Indian, which is well worth the thought of Members of Congress. The editorial was entitled "Justice to the Indian." When it appeared the close of the session was so near that it was too late to secure leave in that Congress to make the editorial a part of our national records. I therefore take the opportunity to do so in this Congress.

People generally feel little concern for the Indian. He has ceased to be an obstruction to the advancement of the white man. He is no longer to be found in the way, blocking what we call civilization. When I was a child of a year my father and mother entered the Indian country and helped to push the Indians back. This was not from any spirit of opposition to the Indian, but was with the same spirit that possessed the early settlers to get homes for themselves and their families. The Indian was compelled to get back farther. But in the district which I have the honor to represent there are several bands of Indians, and their rights have not been properly safeguarded by Congress. The rights of the Indians generally have not been regarded seriously when it was the desire of the white man to utilize the territory of the Indian. I wish to insert this editorial in the RECORD because I think it is most fitting to call our attention to the duty we, as Members of Congress, owe the Indian. The editorial is as follows:

[From the Philadelphia North American, Feb. 27, 1913.]

JUSTICE TO THE INDIAN.

The visit of 30 Indian chiefs to Philadelphia this week was an event not only rarely picturesque but historically noteworthy. Like figures from the remote past, as indeed they were, they stood forth vividly for a moment against the background of busy modern enterprise, then passed on into the shadows of forgetfulness. But they left behind them thoughts which a boastful civilization may well ponder.

Whatever may be the glory of having built towering cities where the ancestors of these men knew the dim aisles of trackless forests, the fate of the Indian is a challenge and a lesson to the race which overwhelmed him. It is a happy circumstance that Pennsylvania is the one place in the country where the white man may look unashamed into the face of his predecessor, for it was here that the lands of the Indians were purchased, instead of being stolen, and that here was signed "the only treaty which was never sworn to and never broken."

Perhaps the most significant feature of the visit was the new spirit displayed by these representatives of an almost forgotten race. Grave dignity of demeanor was to be expected; it was characteristic that they viewed with outward impassiveness the wonders and the tumult of city life.

But those who mingled with them were impressed most by the freedom with which they spoke. The habitual taciturnity of the Indian was laid aside, and they poured out their hearts almost like children. These grim warriors and tribal statesmen, who had participated in the last hopeless struggles against resistless force and had felt the consuming hatred of merciless war, seemed for the first time to cast off restraint and forget past wrongs.

They seemed to believe at last that the "white brother" of kindly legend was a reality and that the friendship so often pledged was true. So the stoic silence of generations melted and the smoldering memories of dishonor on one side and savage reprisal on the other were quenched in good will.

No doubt the wonderful scene they had witnessed in New York had helped to create this new feeling. Even the stern repression of the Indian character and the sleepless sense of injury were not proof against that spectacle.

They took part there in impressive ceremonies beginning the erection of a magnificent monument, a memorial which will stand forever at the gateway of the Nation, an imperishable testimony to the nobility of their race. Within sight of the great city which typifies the remorseless civilization that succeeded their sovereignty they heard the Indian character extolled by the President of the United States and the thunder of guns saluting in their honor. It may well be believed that they felt for the first time that "allegiance to our common country" which was pledged in the final peace treaty they signed.

Yet this belated tribute, the worthy conception of a big-hearted American, carries a thought which is a rebuke to the Nation. Not a note of dissent is now heard when the President and his Cabinet, with representatives of the Army and Navy, unite to pay honor to the Indian. But only a few years ago such utterances as were heard at Fort Wadsworth would have startled the most sympathetic admirers of the red man and would have stirred furious protest among many thousands of patriotic Americans.

The significant fact is that these tributes are quite in harmony with the soundest historical records. They but echo the testimony of those who knew the Indian in the distant past, before he had learned the vices of civilization and seen the doom prepared for him. These things were written in the year 1683:

"If an European comes to see them or calls for lodgings at their house or wigwam, they give him the best place and first cut. If they come to visit us they salute us, "Good be to you." If you give them anything to eat or drink, well, for they will not ask; and, be it little or much, if it be with kindness, they are well pleased. * * *

"In liberality they excel. Nothing is too good for their friend. Wealth circulateth like the blood; all parts partake; and though none shall want what another hath, yet are they exact observers of property. Some kings have sold, others presented me with several parcels of land. The pay or presents I made were not hoarded by the particular owners, but, the neighboring kings and their clans being present, they consulted what and to whom they should give. So the kings distribute, and to themselves last.

"Do not abuse them, but let them have justice, and you win them. The worst is that they are the worse for the Christians, who have propagated their vices and yielded them tradition for ill and not for good things. * * * It were miserable, indeed, for us to fall under the just censure of the poor Indian conscience, while we make profession of things so far transcending."

Thus the Indian appeared to the just, discriminating intelligence of William Penn. Is it not remarkable that after two centuries the same verdict should be rendered by national consent?

Yet to citizens who have reached middle age, how strange do these eulogies appear! Twenty years ago the name of Indian was synonymous with cruel savagery. Fiction writers were no more emphatic than historians in ascribing to him the vices of treachery, falsehood, and dishonesty; they would hardly grant him a single virtue to redeem his character from utter depravity. And almost the sole basis for this picture was the cruelty undoubtedly used in Indian warfare.

But what made the Indian a remorseless enemy of civilization, if it was not the civilization which revealed itself as a remorseless enemy to him? Gen. Richard H. Pratt, who has spent a lifetime in advancing the welfare of the subjugated race, has said: "It is a great mistake to think that the Indian is born an inevitable savage. He is born a blank like all the rest of us."

Civilization found him possessing the traits of honor and hospitality and generosity, as described by William Penn, and it taught him how fatal were these qualities when opposed to greed. Instead of developing them, civilization mocked at them. It robbed him and then outlawed him. And when he retorted upon wrong with savagery, it blackened his character with unrestrained calumny.

The removal of the Indian from the path of progress was inevitable. But the significant fact is that his reputation for unredeemed cruelty and worthlessness kept pace accurately with the ruthless exploitation directed against his property.

Instead of doing its necessary work with justice, civilization degraded it by crimes of cunning and then tried to cover them by systematic slander. Not until the remnants of the race had been stripped of almost its last possessions did a decent public sentiment force recognition of the Indians' claims upon the Government and upon the white race for justice.

Now the Nation so far discerns the truth as to approve unanimously the paying to the Indian of the finest honor ever offered to a people. The plan of Rodman Wanamaker is inspired by an artistic sympathy and deep sense of justice, which strike a responsive chord from one end of the country to the other. He serves his own people as well as those whom he honors by his far-visioned project of a great national memorial to the first owners of America.

That ownership was the Indian's real crime. It was his fatal misfortune to come too early upon the stage. If, instead of being found here by the first white men, he had come a century or two later, though he had come as a pauper refugee, his fate had been kinder.

The immigrant to-day finds law and order established for him, opportunity open for him, schools and hospitals free for him and his children. The Indian, possessing all the land, was robbed and hunted into the wilds and then maligned as a worthless creature, fit only to be destroyed by a beneficent civilization.

The most striking reparation that could be offered for these wrongs is now made possible through the munificence of one American who has the imagination to conceive and the heart to execute it. Can it be doubted that his great thought is another manifestation of the awakening spirit of justice which is felt throughout the world?

Civilization habitually justifies its treatment of the Indian on the ground of economic necessity. It is true that the red man was not a developer and that the vast resources of this country were needed for the upbuilding of a new and stronger race.

But let us be slow to boast of a civilization which has squandered the treasures of the land as ours has done; which has permitted the growth of a system of exploitation almost as cruel as that inflicted upon the Indians, and which tolerates social wrongs more relentless than the savagery the aborigines inflicted upon their worst enemies.

While the slavery of women and children and the infliction of deadly conditions of life upon countless human beings are defended as necessary to our progress, it is permitted to doubt whether our concept of the divine purpose and of justice is vastly higher than that of—

"The poor Indian, whose untutored mind
Sees God in clouds, or hears Him in the wind."

PRINTING FOR COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS.

Mr. KONOP. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin [Mr. KONOP] asks unanimous consent for the immediate consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 162.

Resolved, That the Committee on Expenditures on Public Buildings be, and it is hereby, authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-third Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question. It has not been usual, I think, to grant this privilege to committees on expenditures. I think I have never known the Committee on Expenditures on Public Buildings to have such a privilege accorded to it before it is required to have printing done. I will ask the gentleman from Wisconsin if that committee has had this privilege before?

Mr. KONOP. It has had. It had it in the last Congress.

Mr. MANN. What is to be gained by it?

Mr. KONOP. I want to say, Mr. Speaker, that the Committee on Expenditures on Public Buildings at the last session had

an investigation on the proposition of standardizing public buildings, and as the result of that investigation much information was gained and a unanimous report was given to the House which was of great benefit to the Members.

Mr. MANN. Mr. Speaker, it occurs to me that if the privilege to have printing and binding done is to be granted to all committees of the House, it ought to be done by a general rule in the rules, instead of requiring every committee to get unanimous consent. If the privilege is granted to this committee, I know of no other committee which should not have it. However, I shall not object.

Mr. KONOP. I think most of the other expenditure committees have had a similar resolution passed. I think all of them have had.

Mr. MANN. I think a few of them have had.

The SPEAKER. Is there objection?

Mr. MURDOCK. Mr. Speaker, if the gentleman will yield to me, I would like to ask, Has the gentleman ever made any investigation as to what it costs? These resolutions are very frequent. What is the expenditure involved in one of these resolutions carrying that provision?

Mr. KONOP. I have not heard.

Mr. MURDOCK. Has the gentleman heard anything about a new order which provides that no embossed stationery shall be furnished?

Mr. KONOP. No; I have not.

Mr. MANN. I can give the gentleman some information on that subject.

Mr. MURDOCK. I should like to know how much one of these resolutions really costs the Government on an average.

Mr. MANN. I recently made inquiries at the Printing Office as to the difference between the cost of printing embossed letterheads and embossed envelopes and letterheads and envelopes with plain printing upon them. The difference in the cost is startling. I long ago have ceased to use embossed stationery, because I thought it was not fair to the Government to have stationery embossed at high expense, which I would not use if I had to pay for it out of my own pocket.

Shortly after I made this inquiry and this information was furnished to me the Joint Committee on Printing issued an order that no more embossed stationery should be furnished, as I understand, either to the committees or to the departments. I hope that is correct.

Mr. MURDOCK. May I ask what was the difference in cost?

Mr. MANN. As I recollect, embossed letterheads cost something over $5 a thousand, and the printing, I believe, without the paper being furnished, costs something less than $1 a thousand.

Mr. MURDOCK. May I ask the gentleman how much the printed stationery costs on an average, or the printing under one of these resolutions for printing and binding?

Mr. MANN. Every committee now has the authority, without these resolutions, to order stationery printed for the use of the committee. There used to be a limit on the order, of 5,000 copies at any one time, of any one kind. A committee could order several kinds at the same time, or after ordering one kind one day could repeat the order the next day, and I think probably they never had any difficulty in getting the stationery printed. Under this resolution there is no limit on the amount which they may order at one time.

Mr. CLAYTON. Mr. Speaker, I ask to make a brief statement.

The SPEAKER. About this printing resolution?

Mr. CLAYTON. I wish to make an inquiry about the pending measure. As I understand it, stationery can not be printed on the order of a committee or the chairman of a committee. It must go through the hands of the Chief Clerk and be approved by him, and the Printing Office must have the approval of the Chief Clerk before stationery can be printed.

As to the printing of hearings and documents of that kind, the committee can order the printing without the intervention of the Chief Clerk.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 11.

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the bill H. R. 3321, with amendments, as reported in the Senate July 11, 1913, 20,000 copies for the use of the House and 10,000 copies for the use of the Senate.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. LAFFERTY, leave was granted to withdraw from the files of the House without leaving copies the papers in the case of Thomas W. Botkin (H. R. 18889), second session Sixty-second Congress, and the papers in the case of Daniel J. Cooper (H. R. 3630), first session Sixty-second Congress, no adverse report having been made thereon.

MEDIATION, CONCILIATION, AND ARBITRATION.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and that it be considered in the House as in Committee of the Whole, and that the two amendments which have been agreed upon by all the parties directly interested in this legislation and agreed upon by the Committee on the Judiciary be offered at the proper time, and that no other amendment to the bill be allowed.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to take from the Speaker's table the bill S. 2517 and consider it in the House as in Committee of the Whole, to offer two amendments which have been agreed upon by everybody in interest, and that no other amendments be offered. Is there objection?

Mr. J. I. NOLAN. Mr. Speaker, reserving the right to object, and realizing the urgency of this measure, I want to state to the House that there are a number of other organizations, which are interested in the passage of an amendment to the Erdman Act, that would like to come in under the provisions of that act, and that have in mind amendments to this bill. These gentlemen realize the urgency of this measure. The organizations involved are the commercial telegraphers, the shop employees of the various railroads of the country, and the freight handlers. Those organizations intend in the near future to have introduced into this House an amendment to the Erdman Act for the purpose of taking care of the men that are not alone members of their organizations, but also those that are nonmembers. I make this statement at this time on account of the nature of the request for unanimous consent, it shutting out all other amendments. These gentlemen will come in after this bill has passed both houses and been signed by the President, and will ask consideration in reference to their proposed amendments.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I understand that the gentleman asks unanimous consent that this shall be considered in the House as in the Committee of the Whole, and that two amendments, and two only, shall be offered to the bill?

Mr. CLAYTON. That is correct.

Mr. MURDOCK. There will be opportunity to vote upon those amendments, of course?

Mr. CLAYTON. Certainly.

Mr. MURDOCK. And the gentleman contemplates some debate?

Mr. CLAYTON. Mr. Speaker, to be perfectly frank with the gentleman, and uttering the spirit that was manifested yesterday in the conference upon this matter at the White House, it is the desire of everybody interested in the legislation, and it is recognized as necessary for the good of the country, that the legislation be enacted speedily. I had a conference with the minority leader, the gentleman from Illinois [Mr. MANN], but was unable to see the gentleman from Kansas [Mr. MURDOCK] prior to the meeting this morning. The gentleman from Illinois and myself, as the result of what we learned in the conference yesterday, and on account of the sentiment of those interested most directly in the legislation, in view of the urgent nature of the matter now before the House, concluded that perhaps one hour of debate, which I suppose will be under the control of the chairman of the committee, would be ample time in which to make any explanation of the bill that is necessary. I am quite willing to say at this time that of that hour, if that be the understanding, the gentleman from Illinois and the gentleman from Kansas will be accorded such time as they may wish.

Mr. MURDOCK. The gentleman does not contemplate shutting off debate on the amendments themselves?

Mr. CLAYTON. Not at all.

Mr. MURDOCK. If debate is in order.

Mr. CLAYTON. Of course, I take it that under the rules I could not cut off debate.

Mr. MURDOCK. Oh, anything could be done by unanimous consent.

The SPEAKER. The Chair will suggest to the gentleman from Alabama and to all gentlemen concerned that when this gets into the House as in Committee of the Whole debate will be limited to five minutes, except by unanimous consent. The

Chair suggests that the gentleman better embody in his request the time for the length of debate.

Mr. CLAYTON. Mr. Speaker, I will modify it by saying that at the expiration of an hour the amendments be brought to a vote, and that after the amendments are disposed of by vote the bill as then amended, or as unamended, as the case may be, be put upon its final passage.

Mr. MANN. Mr. Speaker, if the gentleman will permit, of course, as the Speaker has suggested, if the gentleman's request be granted, there will be no general debate, but debate will be under the five-minute rule. The Senate meets at 2 o'clock to-day. It is desirable, if practicable, to have this bill go to the Senate and reach there immediately after it meets, so that the Senate may agree to the amendments which are proposed, if they are agreed to here, in order that the bill may then be enrolled and signed by the Speaker and the Vice President while the two bodies are in session to-day, so that, if possible, the enrolled bill may be presented to the President to-night.

Mr. MURDOCK. Mr. Speaker, that can be done under the last request made by the gentleman from Alabama.

Mr. MANN. Oh, yes; there will be time enough for anybody to be heard.

Mr. CLAYTON. I do not think there will be any trouble about that.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, before consent is granted I would like to have the Clerk report the amendments that have been agreed to, as the chairman of the Judiciary Committee states, by all of the parties concerned. I am taken somewhat unaware by such a radical agreement as would foreclose any amendment, having intended to offer an amendment in one or two places to this bill along the lines provided for in the Erdman Act, which have not been incorporated in either the Senate bill or in the House bill introduced by the chairman of the Committee on the Judiciary.

Mr. CLAYTON. Mr. Speaker, perhaps my explanation may satisfy the gentleman without the necessity of reading the amendments at this time. The bill as it passed the Senate is the bill now under consideration, not the bill in the exact language as it was originally introduced in the Senate and originally introduced into the House. As a result of the conference at the White House yesterday it is proposed that the bill as it passed the Senate be amended in two particulars and two only. As the bill passed the Senate in one section it is required that certain of the original papers used in an arbitration be filed in the district court of the appropriate district, and then in a subsequent clause of the bill there is a provision that the same original papers be filed with the board of mediation and conciliation, a thing impossible to do, because the original papers can not be in two places at the same time. This amendment therefore alters the bill, so as to provide that certified copies of these papers used in the arbitration may be filed with the board of conciliation and mediation.

The other amendment simply seeks to restore what is now in the Erdman law. The draftsman of this bill, which we now have before us, it seems omitted by some unintentional error to carry forward into the bill a provision which is in the Erdman law, and which was at the time of the enactment of the Erdman law deemed to be a salutary provision. It is deemed now to be at least a safe provision to carry into this bill. That provision is that nothing in this act shall be so construed as to authorize the use of injunctive or other court process to compel any employee to perform labor. It might be said that such a provision is unnecessary, but it was thought to be necessary in the original law. It certainly will do no harm. It was thought to be unnecessary because of the thirteenth amendment to the Constitution, which abolishes involuntary servitude, and it was argued that it is not within the power of the courts to compel a man to labor against his will.

But it was suggested in answer to that that the provisions of this bill seek to make the award, and to have a judgment of the court predicated upon award. It is possible to do that. Out of abundance of caution, so that this may not in anywise be construed as to give the courts the power to compel personal service on the part of any employee, it was deemed wise to put back in this bill that provision of the Erdman law to which I have adverted.

Mr. STAFFORD. The gentleman's explanation is complete as to the two amendments that are to be offered to the Senate bill. I would like to ask the attention of the chairman of the committee as to whether the Judiciary Committee gave any consideration to that proviso in the Erdman Act which provides for the appointment of arbitrators when there are two or more organizations or classes of employees involved? This provision is found on page 31 of the Senate report, and is not incorporated in the Senate or House bill. It reads as follows:

Provided, however, That when a controversy involves and affects the interest of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees.

At the bottom of page 5 of the House bill that the gentleman introduced we have some provision for a——

Mr. CLAYTON. Will the gentleman permit?

Mr. STAFFORD (continuing). Controversy between employees not members of any labor organization, but there is no provision in either the Senate or House bill that relates to the agreement as to arbitrators where the employees are connected with different labor organizations, as provided in the Erdman Act.

Mr. CLAYTON. Well, Mr. Speaker, I may say in reply to the gentleman that he is reading from a bill which is not before the House.

Mr. STAFFORD. Well, the Senate bill and——

Mr. CLAYTON (continuing). Hence I have some difficulty in keeping up with his references. The pages are not exactly alike.

Mr. STAFFORD. The House bill are identical in phraseology, except as to those matters stricken out and new amendments offered.

Mr. CLAYTON. Substantially, but not exactly as to phraseology, in accord with the Senate bill as it passed the Senate. I have before me a copy of the bill in the exact words in which it passed the Senate, and I have not the copy——

Mr. STAFFORD. Is there any provision made in that bill for the matter to which I have just referred as incorporated in the present Erdman Act?

Mr. CLAYTON. I think the general provisions of the bill take care of that matter, Mr. Speaker. I think section 3 takes care of it, and I think the gentleman will find no trouble about it, but that it is provided for in section 3 and other sections of the bill.

I wish to say to the gentleman, furthermore, that the committee considered the House bill and the Senate committee considered the Senate bill. The five brotherhoods of railroad employees were represented at these different hearings for the most part by the chiefs of those brotherhoods, and also the Secretary of Labor was there, and Mr. Seth Low, president of the Civic Federation, was there, and Judge Knapp also attended these hearings. Everybody knows the remarkable and good work which the latter has done in these arbitration matters heretofore. Now, this bill is the concrete expression of the desire or wishes of those most directly interested in this sort of legislation, to wit, the great transportation companies of the country and the railroad employees themselves. They think, and I will agree with them in that opinion, that the machinery is ample to take care of the contingencies which the gentleman from Wisconsin [Mr. STAFFORD] has suggested, and they are unwilling to have the text of this bill altered. I think I violate no confidence when I say that it was suggested yesterday in that conference that certain amendments be made to this bill; for instance, to put in the shopmen, and to put in the telegraphers specifically, and it was objected to, not that such legislation is objected to, but that it would delay or hazard possibly the passage of this bill.

It was frankly stated by more than one gentleman yesterday in conference with the railroad companies—and they were represented by a number of presidents of the leading railroads of the East—that they would act under this bill and agree to arbitrate the differences in the pending strike which is now about to be ordered on the part of the railroad employees on some 54 railroads if the bill were amended in the two particulars that I have specified; but they declined to say that they would act on that bill if other amendments were offered. And the same view was expressed by the brotherhoods present, and I believe of the five interested in the pending strike four were represented by heads of the brotherhoods being actually present, and the fifth one was there by a proper representation. They all agreed that the railroads and the operatives would arbitrate under this bill, and perhaps thereby avert the most serious strike that the country has ever been confronted with, but they would not possibly—and I think one gentleman said in all probability—arbitrate under it if the text of this bill was altered except in the two particulars I have named.

Mr. MONDELL. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MONDELL. It has occurred to me in running over this bill that the objection made by the gentleman from Wisconsin [Mr. STAFFORD] is answered in this wise: This bill provides, which the Erdman Act did not do, for a stipulation for an agreement relative to arbitration. That agreement among the employees, of course, embraces all the employees, organized and unorganized, and all the different classes who have a grievance and who desire to submit the matter to arbitration. Section 4 of this act contains the provisions of that agreement to arbitrate, and when that agreement to arbitrate is entered into, as a matter of course all of the employees party to that agreement agree among themselves as to how other members of the board of arbitration shall be appointed, and therefore it is not necessary to particularize or specify, as the Erdman Act did, the way in which they are to be appointed, because there must be an agreement, the whole affair being voluntary, among all of the employees as to all the matter in controversy before there can be any beginning.

Mr. STAFFORD. Oh, there does not have to be an agreement as to all the employees. What this act provides for and what the Erdman Act provides for is for an agreement where a majority of employees are involved. I do not believe the present act provides for the case designated and pointed out by me.

Mr. MONDELL. It appears that the gentleman has only read section 4.

Mr. STAFFORD. The gentleman has read section 4 of both bills. Perhaps the gentleman from Wyoming has not. But, Mr. Speaker, in the exigency of the present railroad situation I shall not force an amendment of this kind upon the House at this time.

The SPEAKER. Is there objection?

Mr. BRYAN. Mr. Speaker, reserving the right to object, I desire at least to protest against the Progressives of this House, of whom I am one member, being tied by an agreement where they are in no way represented. It is all right in a great and important measure like this, and, I suppose, it is necessary for conferences to be had and for us to be tied up. But in this particular case I notice that the gentleman from Illinois [Mr. MANN], as the leader of the minority of this House, has been called into conference and has been considered, and that he has given consent for the Republican Members of this body, but the leader of the Progressives has not been considered or consulted in any way.

Mr. STAFFORD. Who is at fault for his not being considered? Wherein is the fault that he was not considered?

Mr. BRYAN. I do not know who is at fault, but I know that he was not considered.

Mr. SABATH. Mr. Speaker, do I understand that the Progressives are opposed to this measure?

Mr. MURDOCK. They are not; certainly not.

Mr. BRYAN. Of course we are for the measure. The Progressives, I suppose, are considered by the able and distinguished chairman of the Committee on the Judiciary and by the equally able and distinguished leader of the Republican 3,000,000 minority to be so thoroughly awake to all good measures that they can be relied upon and depended upon to stand by everything that is patriotic and right. But I say that when these details are considered and agreed to the leader of the 4,000,000 minority ought to be considered and recognized in these conferences.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield to me?

Mr. BRYAN. Yes.

Mr. MURDOCK. I think it is fair, Mr. Speaker, to say that I had an invitation to this conference of which the gentleman from Washington is not aware. Through a mistake I did not receive word until it was too late to attend. I had told the gentleman I was not invited. Afterwards, when I learned of my in itation, I did not inform him.

Mr. BUTLER. He ought to have been told.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, in view of the statements made by the gentleman from Washington [Mr. BRYAN], I would like to say I did not understand that I was asked to the conference because I was the Republican leader in the House. I had understood I was asked to the conference because I had given a great deal of attention to these bills and to this matter. For a good many years I have been frequently consulted by gentlemen who are identified with these propositions, both by Dr. Neill, by Judge Knapp, by the Secretary of Labor, and by many of the railroad organization officials and others. I did not undertake to bind any Republican or any Progressive or any other Member of the House by anything I agreed to, so far as I am concerned, and I am sorry——

Mr. CLAYTON. Mr. Speaker, before the gentleman proceeds——

Mr. MANN (continuing). That one of the brightest Members of the House, but a new Member, insists upon injecting politics into a situation like this.

Mr. CLAYTON. Mr. Speaker, just one word. This matter has been twice considered by the Committee on the Judiciary. It was considered as late as this morning, and the whole explanation that I have made here to the House was made to the Committee on the Judiciary. The matter was discussed and considered by the members of that committee. They concurred in the wisdom of the course proposed to-day. At that meeting of the committee the Progressive Party was ably and well represented in the person of that excellent gentleman from New York, Mr. CHANDLER.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to take Senate bill 2517 from the Speaker's table and to consider it in the House as in Committee of the Whole with permission to offer two amendments, all others to be shut out, and general debate to last one hour. Is there objection?

Mr. COOPER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER. I rise to reserve the right to object. I would like to ask the gentleman from Alabama [Mr. CLAYTON] one question. I came into the Chamber while the gentleman from Alabama was speaking and do not know what information he has given the House. As I understand, there was a meeting of railroad presidents and representatives of railroad employees yesterday in this city?

Mr. CLAYTON. There was.

Mr. COOPER. And they agreed that this bill, with the proposed amendments, might be enacted into law with their approbation?

Mr. CLAYTON. I would not state it that way. I would state that they desired it, and that they asked Congress to pass it in this form in order that the greatest strike that has ever confronted the country might possibly and in all probability be averted.

Mr. COOPER. But did those gentlemen, or the majority of them, sign a paper in writing to that effect, or was that simply an oral agreement?

Mr. CLAYTON. I will tell the gentleman just exactly what happened. No; there was no instrument of writing whatever, and there was no formal agreement as such. There was no discussion as to the particular text, written or unwritten, to be employed in the agreement. But the conclusion was reached by the people representing the great railroad corporations of the country, some fifty-four in number, and the five brotherhoods of railroad employees, that they could not arbitrate under the Erdman law as it now stands, and, therefore, they appealed to Congress to so amend that law of arbitration as that the parties to the pending controversy might arbitrate under a law acceptable to each side.

Mr. COOPER. Then, did they specifically agree to or approve the amendments that have been mentioned this morning?

Mr. CLAYTON. They did; and they were read. I have read those amendments word for word, and noted the places in the bill where they were to come, and asked if it was to be understood by all present that I, as chairman of the Committee on the Judiciary, should offer these amendments in this House, and it was unanimously assented to.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Will the bill be read afterwards for amendment?

The SPEAKER. Yes. Is there objection?

There was no objection.

The SPEAKER. The arrangement is that there may be one hour's debate. No agreement was made as to the control of the time.

Mr. CLAYTON. Mr. Speaker, I will ask how much time the gentleman from Illinois [Mr. MANN] will want, and how much time the gentleman from Kansas [Mr. MURDOCK] will want?

Mr. MANN. I suggest that the gentleman from Oklahoma

[Mr. MORGAN], ranking minority member of the committee, control the time on this side.

Mr. CLAYTON. How much time will my colleague from Oklahoma desire?

Mr. MORGAN of Oklahoma. I suggest that the time be divided equally.

Mr. CLAYTON. There are three parties to the agreement, and I should like to accommodate all.

Mr. MORGAN of Oklahoma. I will ask the gentleman from Kansas [Mr. MURDOCK] how much time he desires?

Mr. MURDOCK. I think we will need about 15 minutes.

Mr. MORGAN of Oklahoma. Can you not get along with 10 minutes and give us 20 or 25 minutes?

Mr. MURDOCK. Yes.

Mr. MORGAN of Oklahoma. How much time will the gentleman from Alabama give to this side?

Mr. CLAYTON. One gentleman has asked me for 10 minutes, and in view of the fact that possibly there are other members of the committee who may want some time, I would like, if I may, to have at my disposal 30 minutes, but I want to be agreeable, both to the gentleman from Oklahoma [Mr. MORGAN] and the gentleman from Kansas [Mr. MURDOCK].

Mr. MORGAN of Oklahoma. We are willing to take 25 minutes. Can the gentleman from Kansas get along with 10 minutes?

Mr. MURDOCK. Oh, yes; I can get along with 10 minutes. Does the gentleman from Oklahoma want 25?

The SPEAKER. Will the gentleman from Kansas speak loud enough so that the Chair can hear?

Mr. MURDOCK. I was addressing my remarks to the gentleman from Oklahoma rather than to the Speaker, because, as I now understand, the gentleman makes the proposition that he shall have 25 minutes. Is that it?

Mr. MORGAN of Oklahoma. That I have 25 minutes and the gentleman from Kansas 10 minutes. That would be about the fair proportion.

Mr. MURDOCK. I have no objection.

The SPEAKER. Then the understanding is that the gentleman from Alabama has 25 minutes, the gentleman from Oklahoma 25 minutes, and the gentleman from Kansas 10 minutes.

Mr. CLAYTON. Mr. Speaker, it is a matter of common knowledge that the greatest railroad strike in the history of our country is now threatened, involving, I believe, every railroad east of the Mississippi and north of the Potomac Rivers, involving thousands of railroad employees engaged in the operation of trains in that large portion of our country covered by the railroads to which I have referred.

I think, Mr. Speaker, that the gravity of the situation is apparent to this House, and that both branches of Congress are ready, with all decent haste, to pass this legislation, which it is believed will avert what we may term a national calamity.

The time has passed when there could be a strike of any considerable magnitude on the railroads of the country in which no one was concerned except the railroads and their employees. That is a matter I need not dwell upon, because it goes without saying that it is a matter of great concern to the people of the whole country, regardless of their occupations or pursuits.

I desire to say another thing, Mr. Speaker, that, I believe, in the whole history of congressional legislation there has never been an act proposed that was more far-reaching in its nature or more beneficent in its character than this.

I believe it marks a new era in the settlement of industrial disputes. I believe it will do more to show to the great corporations of the country and to their industrial workers the wisdom of settling their disputes without resorting to the warfare of an actual strike than anything that has ever been suggested. Mr. Speaker, surely this is a consummation devoutly to be wished. I hope that by this legislation we can teach the lesson to the workingmen of our country and to the capitalists in control of the corporations of the country that it is better to have a peaceful settlement of a dispute rather than a great industrial warfare; and that such a method of settlement is not only theoretically right, but that it can be made practical in all its accomplishments.

When we have done that we have gone further than any other piece of legislation has gone toward teaching the wholesome doctrine of mediation and conciliation, of arbitration, and of peaceful, costless settlement. I say costless, because the mere cost of the officials required under this bill is a bagatelle, and it will avert that great and calamitous cost of interrupting the business of the country, and avert that equally great and calamitous cost of throwing out of employment thousands of men who have the right to labor and who have also the right to have their grievances heard and redress given to them if their cause be just.

Mr. Speaker, that is this bill. Its origin is easily stated. Under the Erdman law there were, I think, some 60 strikes settled. For a number of years that law was not used, because the corporations and the employees would not trust its efficacy, and they were not willing to trust the men who constituted the board of mediation and conciliation. They doubted the men and they doubted the remedy.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Mr. Speaker, I wish the gentleman would permit me to complete this brief statement, and then I will be very glad to yield. As I said, for some years the Erdman law, which was approved June 1, 1898, was unused for the reasons stated. Then resort was had to it, and I want to pause here long enough to pay a deserved tribute to Judge Knapp and to Dr. Neill for the wise manner in which they made the Erdman law an efficient remedy in the settlement of disputes in many cases. As time went on, however, this fact was developed. In one controversy between the railroads and certain of their employees the railroads objected to operate under the law, because it provided for only three arbitrators. The railroads suggested to this brotherhood that they have an arbitration in the nature of common-law arbitration and arbitration independent of the Erdman law. That arbitration was had, and it was composed of seven members, the larger number to meet the wishes of the railroads. That did not work well, and for this reason: There was no sanction of authority of the Federal Government for that arbitration. It was held without the sanction of law.

The result of it was not satisfactory, for while the arbitrators took the testimony in the case in 14 days, they were 7 months before they rendered their award, and their award I think in some other particulars was unsatisfactory to the Brotherhood of Locomotive Engineers, one of the complaining parties. But be it said to the credit of that great organization and to the high-minded man who then headed it and to the high-minded man who now heads it, that brotherhood acquiesced in that award and lived up to it faithfully.

When this new controversy comes on, the railroads say they will not arbitrate under the Erdman law, because an arbitration board of three men means an arbitration involving a multitude of railroads and thousands of employees, and questions which shall be decided by one of those three men. That is the practical effect of it. The railroads select one and the employees select one, and then the umpire or the third man would settle a question of momentous consequences and of far-reaching effect. So it was said that, granting the necessity for arbitration, yet controversies arise to be arbitrated that are far-reaching beyond anything ever contemplated when the Erdman law was originally passed, and both sides agreed that it would be better to have an arbitration board of six, and that is what is agreed to in this bill.

As the Erdman law was originally passed it provided that the Commissioner of Labor and, as amended, the chief judge of the Commerce Court should be on this board of mediation and conciliation. The House bill, as brought in by the House committee, proposed to amend it by taking the members or certain of the members of the board of mediation and conciliation from the Department of Labor. The railroads and these brotherhoods object to that. They want an independent party or body, I might say, or an independent set of officials to constitute this board of mediation and conciliation. To use the happy language of one of the chiefs of these brotherhoods, which he employed yesterday, they want these men who are on the board of mediation and conciliation to be directly responsible to the President and not subject to the orders of a Cabinet officer. So that provision of the bill was agreed upon.

These are the two main or essential features whereby the Erdman law was changed. The railroad employees will not arbitrate their disputes under the law unless there is legal sanction for it. They have said so, they said so specifically yesterday and again and again they have said so orally and through the public press.

They want the power on the part of the arbitrators to subpœna witnesses. That is one reason they want this law. Then they want the oath administered to witnesses and want the law to provide the terms and stipulations of the arbitration agreement and to fix the agreement so that when the board of mediation suggests arbitration they will have some fundamental idea of what the proposition carries, because the proposition will be suggested by the board of mediation and conciliation that they arbitrate under this bill. Then they will know the general law and agreement under which they will work, and the details of it they can adapt according to the provisions of the law as it points out.

Mr. Speaker, I think I have explained the matter. Nothing else occurs to me at this time. Perhaps I have not been happy in my explanation, and therefore I would be very glad to answer any questions that may be asked, and I yield first to the gentleman from Texas [Mr. GARRETT].

Mr. GARRETT of Texas. Mr. Speaker, as I understand the situation at the present time, it is that a number of railroads and their employees have serious trouble, not on account of not having an act under which to arbitrate their differences, but on account of the failure of those roads to pay what those men believe they are justly entitled to in the way of wages. That is the fundamental difference between the contesting parties, as I understand it, and they have had an agreement among themselves and the authorities of this Government whereby this bill is to be passed to-day, in an hour.

Now, what I want to know is this: After this bill is passed and becomes a law, how do we know that there will not be a strike on the part of these people, or how do we know that these railroads will make any concessions whatever other than they have already made, and how is the general public protected against the calamity pointed out by the gentleman in his remarks, under this bill?

Mr. CLAYTON. Mr. Speaker, I may say, in answer to what the gentleman has said, that we are taking these men at their word. We have some faith in this poor, weak humanity of ours. We believe that humanity's side and the intelligent side of a railroad president can be reached. We believe that this bill appeals not only to that humanity and to that intelligence, but appeals to a good business sense generally. And we believe further that the railroad employees ought to have somewhere, in some place, somebody to whom they can take their grievances which concern their conditions of employment, which concern their wages, and we have gone beyond that period when anybody should deny a fair hearing to a laboring man in any grievance that he may have.

Mr. GARRETT of Texas. Mr. Speaker——

Mr. CLAYTON. I hope the gentleman will not take up further of my time. I have only about eight minutes left.

Mr. GARRETT of Texas. I understand; but the gentleman has not answered my question.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] refuses to yield.

Mr. GARRETT of Texas. I am not opposed to the gentleman's bill.

Mr. CLAYTON. If the gentleman will ask a question and not make a speech, I will try to answer the question.

Mr. GARRETT of Texas. I will ask you this direct question——

Mr. CLAYTON. Put it to me.

Mr. GARRETT of Texas. What binding force is there in this bill upon any party?

Mr. CLAYTON. There is none, and can not be, and God forbid, Mr. Speaker, that Congress should ever enact compulsory arbitration laws. It would be in the teeth of the Constitution; it would be in the teeth of the inherited rights of every free American to have any sort of a law whereby any man could be compelled to render labor against the sovereign will which he carries under his own hat. [Applause.]

Mr. GARRETT of Texas. That is just the information I wanted, Mr. Speaker.

Mr. CLAYTON. But honor and business sense——

Mr. GARRETT of Texas. I will say to the gentleman, being opposed to compulsory arbitration, and not having read the bill, and having found no Member on this side who has read it, I wanted that exact information.

Mr. CLAYTON. Now, if the gentleman is satisfied, I will omit the rest of a most excellent peroration. [Laughter.]

Now, Mr. Speaker, I reserve the balance of my time.

Mr. QUIN. Will the gentleman yield?

The SPEAKER. The gentleman reserves six minutes.

Mr. CLAYTON. I can not yield, Mr. Speaker. I have promised the gentleman from Georgia [Mr. HARDWICK] 10 minutes, and I have only 6. Therefore will the gentleman excuse me under the circumstances?

Mr. QUIN. Certainly.

The SPEAKER. The gentleman from Oklahoma [Mr. MORGAN] is recognized for seven minutes.

Mr. MORGAN of Oklahoma. Mr. Speaker, I would like to be notified when I have occupied seven minutes.

Mr. Speaker, as a member of the Committee on the Judiciary, I have been very greatly interested in this bill since it was called to our attention. Beginning nearly a month ago, we began to have hearings on this measure. Our first meeting was a joint meeting with the Commerce Committee of the Senate. Representatives of the railways and representatives of organizations of the railway employees have come before the Judiciary Committee and advocated this measure. I take it that there is not a single Member of this House who will not gladly and willingly vote for any measure that will in any way contribute to the industrial peace of this country. The Erdman Act was approved on the 1st day of June, 1898. The evidence before the committee showed that up until 1906 the act was dormant; that there were no arbitrations under the act from 1898 up to 1906, but that since that time the Erdman Act has been frequently used and has been of great benefit in preventing strikes. The evidence shows that 60 strikes have been prevented under this act. In other words, in 60 different controversies, when strikes were imminent on the part of the railway employees, through mediation and conciliation and arbitration the matter was amicably settled. It appears that most of these difficulties have been settled not by arbitration, but by mediation and conciliation. I think that out of these 60 strikes arbitrators were appointed only in about one case out of seven or eight. In other words, the great power of the Erdman Act has been in the wisdom and the skill exercised by the mediators and conciliators. As I understand it, both employees and the railways do not regard the arbitration part of it so important as the mediation and conciliation part of it.

There are three important changes in this bill as compared with the Erdman Act. In the first place, there is a change of the personnel. Under the Erdman Act at the present time the chief justice of the Commerce Court and the Commissioner of Labor Statistics constitute the mediators and conciliators. Under this act a new office, entirely independent of any department or of any Cabinet officer, is created. The President is authorized to appoint a commissioner of mediation and conciliation. The President appoints not more than two men, who shall be Government officers, appointed by the President with the advice and consent of the Senate, and these three, the commissioner of mediation and conciliation and the other two persons, will constitute the United States board of mediation and conciliation.

Now, the second change is that this act provides for six arbitrators, in case arbitration is used, instead of three as under the Erdman Act. As has been pointed out by the chairman of the Committee on the Judiciary, the gentleman from Alabama [Mr. CLAYTON], the bill——

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

Mr. MORGAN of Oklahoma. Certainly.

Mr. CLAYTON. If I caught him aright, he said that this bill provides for an arbitration board of six instead of three. This bill provides that the arbitration board may consist of three or may consist of six, as the parties may agree.

Mr. MORGAN of Oklahoma. I understand. In other words, under the present law the arbitration board can not exceed three, while under this law it may consist of six members.

Then there is a third change, which provides that whenever there is a controversy arising as to what the finding or award is the board of arbitration may be called upon to construe any part thereof the meaning of which may be in dispute.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask for one minute more.

The SPEAKER. Without objection, the gentleman from Oklahoma will be recognized for one minute more.

There was no objection.

Mr. MORGAN of Oklahoma. The importance of this legislation can not be overestimated. To provide industrial peace is the duty of Congress, so far as it is in its power. There are always three parties interested in these great controversies. First I would place in the rank of importance the interests of the men who are employed by the railways and the wage earners generally throughout the United States; second, the interests of the public; and third, the interests of the owners of the railways and the owners of our industrial institutions.

After all, back of all of these controversies comes the question of the proper distribution of the wealth that is earned and created by virtue of the labor of this country. That is the great question back of this matter. There must necessarily in all times be more or less controversy, more or less of contention, more or less of strife between the men who earn the wealth and the men who control the machinery and the resources out of which that wealth is created.

We should enact all laws necessary to give the wage earners every facility to secure justice without resorting to strikes. We should enact statutes that will enable employees to secure redress of all grievances—if they may desire—without being compelled to resort to a strike. This is an emergency measure to

prevent an impending strike involving 80,000 men and 54 railways. But it is more than an emergency. It is valuable legislation for the future. And I hope from time to time we may enact laws that will preserve industrial peace, protect the rights of wage earners, and protect the just rights of property.

The SPEAKER. The time of the gentleman from Oklahoma has again expired.

Mr. MURDOCK rose.

Mr. CLAYTON. Mr. Speaker, before the gentleman proceeds, I desire to ask unanimous consent that leave be given for five days to any gentleman to print his remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that any gentleman shall have leave to print his remarks on this subject within five legislative days. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] is recognized for 10 minutes.

Mr. MURDOCK. Mr. Speaker, I think that nearly all men will commend the dispatch and the determination in the conduct of this measure which has characterized President Wilson's course. I favor this attempt to extend the arbitration measure because I believe that it will bring peace in this particular industrial line, at least temporary peace.

But the situation, as I see it, and of which this is indicative, presents a distressing problem that no such compromise will permanently cure. Take this present situation, for example, and consider the case in hand. The railway trainmen were about to strike for higher wages. They are actually face to face with the problem of living. That is the fact of the business. All of us here know from personal observation the trainmen of this country. We all know that they are men of education and of high skill, as a rule, and of discriminating mind by reason of their occupation and training. They are not moved and have not been moved by whim or caprice in this matter. They are not inspired by any latter-day class consciousness against capital. These men are not warring upon the railroad managements of this country. They are not quarreling with their bread and butter for the mere love of controversy. They are not fighting for the maintenance of some theory involving their rights, but they are face to face with the increasing hardship due to the high cost and the modern standards of living.

It is a problem not only with the railway trainmen, but it is a problem also with all the wage earners of the country, and it is increasing in acuteness every day. There has not been a day in the last 20 years, or an hour or a minute, when the control of those who fix the standards and cost of living, when the control of those who determine the cost of the shelter and clothing and food of the people—there has not been a day or an hour or a minute in the last 20 years when that control has not narrowed. And there has not been a day or an hour or a minute in the last 20 years when the consumers in this country, despite all the protestations of the politicians, despite all the laws that are passed, have not been losing ground. It is a serious problem with the trainmen and with all breadwinners in the country.

We are busy here in a very unusual way to-day to pass this meritorious measure, putting it through under what is virtually cloture, and with warrant. We do it because it is exigent and pressing.

But the great fundamentals which are sapping at the vitality of this Nation we do not touch. We are handling only one side of the railroad problem. What about the other side of the problem? What about the waste in speculative financiering? What about the report of the Interstate Commerce Commission on the railroad situation in New England made within the hour? It is a report which shows that the New York, New Haven & Hartford Railroad has been guilty of wanton waste; that it paid in one instance, in the purchase of the Rhode Island trolleys, $13,000,000 for nothing; that it paid in another instance, in the Westchester road case, $12,000,000 more than the road's value.

Who will pay for the waste? Who will make good this sort of thing in railroad speculation? Why, the people make it good, and with them these railway trainmen who threatened to strike.

I say to the gentlemen that a Member of Congress, with his $7,500 a year, is apt to get rather far away from the real problems of life. These men who threaten to strike are regarded by many as well paid. The trainmen are superior in skill and in intellect. They do not regard their pay as adequate. And when the matter of their bread and butter came up before them—and this ought to challenge the thought of every man within the sound of my voice—the vote for the strike was almost unanimous.

I say to you as fellow legislators that I believe that the day of paltering and of postponement is passing in this country. I believe the day of compromise is almost gone. I believe that this body and the executive branch of this Government have got to get down to business and reach into the heart of this thing and correct the fundamental wrongs and find the real remedy, and when that is done there will be precious little use for this act. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman reserves 5 minutes of his time. The gentleman from Oklahoma [Mr. MORGAN] has 17 minutes. Does the gentleman from Alabama [Mr. CLAYTON] desire to use his 6 minutes?

Mr. CLAYTON. I will yield 4 minutes to the gentleman from Georgia [Mr. HARDWICK] and reserve 2 minutes.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized for 4 minutes.

Mr. HARDWICK. Mr. Speaker, because of the fact that four or five years ago I served on one of the arbitrations held under the Erdman Act, and one of the most important ones held under it, I think I have had some practical experience with the way that act has operated in the past, and I believe that there are at least three or four very important changes for the better in the bill now pending before the House.

In the first place the personnel of the board of mediation is improved. I do not mean that exactly in a personal sense, either. It is improved for two reasons—first, because the board of mediation is made independent of any and all bureaus and departments; and, second, because it consists of three members instead of two, as under the Erdman law. Sometimes when the two came to select the umpire, when they could not agree the two might be deadlocked, and that has been threatened at times; but when you have three, as under the proposed bill, that is an impossibility.

In the next place the provisions for conducting the arbitration itself are improved in the respect of how long after the third man is selected before the arbitration shall begin, and how long after the arbitration begins before it shall end. That is made more flexible, and is to be fixed according to the needs of each case, in the submission.

In the next place, there is more flexibility in this law than in the Erdman Act on the question as to how long the award shall be binding on the parties. Under the Erdman Act no matter what the controversy was the law provided that the award should continue in force for 12 months, no more and no less. In this bill it is proposed that the award shall continue in force just such time as the board deem proper and right, either a greater or a less time. It is more flexible in that regard, and therefore I think can be made to fit the necessities of each particular case better.

In the next place, in the twelfth subdivision of the Senate bill that we are about to pass, the board has the power to construe any provision of the award when that provision is the subject matter of controversy after the award is made. To my certain knowledge in the case in which I served there was a good deal of controversy over the construction of one of the provisions of the award, and there was no way in which either the laboring men or the railroad companies involved could have that provision construed, without litigation.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HARDWICK. No; I think not. I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. HARDWICK. I am sorry I have not the time. In the case to which I referred neither the employees nor the railroads could get a certain provision of the award construed, unless they went to law about it, because the law did not provide that any or all of the members of the board could give their testimony as to what was meant by it. In this respect the pending bill provides a great practical improvement, because the board itself is allowed to construe the award if its meaning should become the subject matter of subsequent controversy. From the experience I have had with the Erdman law I believe it has been a practical working measure all along. I believe that with the improvements contained in this legislation it will be an even better instrument for securing much-desired results.

And in this connection I want to say that the President of the United States and every gentleman who participated in that momentous conference yesterday are, in my opinion, entitled to receive as their just due the thanks of the American people for the great work that was done for the public in securing the approval of the opposing parties of the provisions of this bill

and an agreement to arbitrate the pending differences under it, and thus avoiding the great losses, inconveniences, and hardships of the mighty strike that threatened to tie up so many of our great railroad systems. [Applause.]

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, recognizing, as we all do, that this is an emergency matter, and one that must be acted upon without delay, I have reluctantly consented myself to the passage of this bill as it passed the Senate, with the two amendments offered by the gentleman from Alabama [Mr. CLAYTON] in behalf of the committee. While the Erdman Act has been a law for some 15 years, no successful effort has been made heretofore to bring it up to the present conditions and needs that have been pointed out from time to time by Judge Knapp and Dr. Neill, who have been the ones who have had to do, principally, with the settlement of these various disputes. It is said that some 60 or more controversies between the railroads and their employees have been adjusted since the law was enacted, and yet, Mr. Speaker, there are many other similar organizations that have had disputes where the men have gone out on strikes to the great detriment and loss of property and money, not only to the employers and the employees themselves, but to the third party, the public in general. I sincerely hope that this agitation that has come up at this time as to the necessity for amending or repealing the present Erdman Act and enacting this bill which is now before us will cause the House to see the necessity of making important changes in this law in the months of this Congress that are to come. There is one important class of people which naturally belongs in a matter of adjudication such as this proposes, and that is the people who are engaged in the transmission of messages by telegraph, telephone, or cable, either by wire or by wireless. Those employees and employers have been designated common carriers under the act to regulate commerce which was passed in June, 1910.

If they are common carriers, then it seems to me, Mr. Speaker, we should include them in the provisions of this law, and that all persons actually engaged in the transmission of messages by telegraph, telephone, or cable should come within the provisions of the law. This would do a great deal of good, because there are strikes from time to time by employees of telephone companies and cable companies and telegraph companies. There are such now. To-day in my own State there is a strike of employees of a telephone company, which not only does business in the State which I have the honor in part to represent, but which extends into other States, particularly the State of Illinois. The result is that business is tied up to a certain extent, and the public is suffering. Many people are out of employment, and it is only a question of getting the employee and the employer together that this controversy may be settled. It was my desire and intention to ask that this bill be amended to include these people, but I see the futility of it. I saw that it was most important that we should at this time pass this bill, because there are hundreds of thousands of people affected by the present bill under consideration, and it is like allowing a child to play with fire to do anything that will prevent the enactment of this bill into law at once.

The SPEAKER. The time of the gentleman from Missouri has expired. The gentleman from Oklahoma has 12 minutes, and the gentleman from Kansas 5 minutes, and the gentleman from Alabama 2 minutes.

Mr. CLAYTON. Mr. Speaker, I hope the gentlemen will use their time now.

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, it is an extreme exigency that causes the House under unanimous consent to consider a bill of this importance under what is virtually a rule that forbids any amendment whatsoever. However, we are all acquainted with the threatened strike conditions affecting certain branches of some of the railways of this country—those located to the east of the Mississippi—where a great conservative force of railway men are in dispute with the railway companies as to conditions of employment and particularly as to wages. This bill is the direct result of the failure of, or rather dissatisfaction on the part of the employees with the voluntary agreement of arbitration which attempted to settle the differences between the Brotherhood of Locomotive Engineers and certain eastern railway companies, that arbitration board comprising one representative of the engineers, one representative of the railroad companies, and, I believe, three representatives from the public generally. While there was an agreement among the arbitrators, it did not meet with the full approval of the Brotherhood of Locomotive Engineers. In the year since then strikes with other branches of the employees of the railroads have been imminent, the railroads being averse to submitting the matters in dispute to a limited board of three under the Erdman Act with only one impartial arbitrator, and the employees being opposed to submitting the questions in dispute to a larger board that did not have the sanction of law.

I regret exceedingly that opportunity for amendment is not provided, because I would like to have seen the public represented on this board of arbitration. In this debate we have heard much emphasis laid upon the fact that the public is deeply interested in these strikes, and they are vitally, and yet no provision is made for a representative of the public on these boards of arbitration. Though we are making a great advance by the creation of a separate bureau of mediation and conciliation, the head of which is to receive a salary of $7,500 a year, yet in the settlement of these great affairs, in which the public are so vitally concerned, that representative, if mediation fails, has no power except to select one or two of the board of arbitrators in case the parties to the dispute can not agree upon the full board of three or six. It has been criticized that a board of six might not come to an agreement, but how much better had we provided for a board of seven and had created ex officio this chief of the bureau of mediation and arbitration to represent the public and not to allow the representatives of only the immediate parties concerned to decide the issue.

This is a step in the right direction, but much yet has to be provided for by legislation. This bill, as with the Erdman Act, limits the settlement of disputes to virtually those connected with the railway carriers of this country, but the time is coming and coming fast when the public will demand that the disputes between the industrial laborers of the country connected with the production of a prime necessity of life, such as coal, and their employers shall be adjudicated similarly to that provided in this bill by a board of arbitration determined upon by the parties in dispute. Nay, more. Who can sanction such a condition as resulted from the settlement of the anthracite coal difficulties, where the representatives of the laborers on the arbitration board entered into an agreement with the representatives of the coal operators whereby they were granted their increase of pay and then the operators turned about and levied a higher price than was necessary to compensate them for the higher wages paid? It exacted that increase from the public which had no voice in the settlement, but was obliged to pay the increased wage and considerably more to the mine owners. It is such conditions that make the public cry out in protest, and the coming remedy is for the public to be represented in the settlement of wage disputes, especially where the product has a monopoly characteristic and is limited in quantity. The principle embodied in this bill should be extended to other classes of a public or quasi public character, and the public should be represented in the arbitral deliberations.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. MURDOCK. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker and gentlemen of the House, the measure under consideration is one of encouragement, I am sure, to everyone who believes that the function of a government is to promote the general welfare. It is a measure which seems to me, at least, to prove that the old philosophy of political economy no longer serves the purpose of this day of 1913. The old writers on the subject of wages and economic conditions said that if we trusted all to the free play of natural forces, if we allowed free play of natural law to work out, wages would be just, and that the cost of living would be met by wages in automatic fashion. They also said if the dangerous occupations were allowed to have the benefit of the free play of natural forces they would be more highly paid than the occupations which were not so dangerous.

I want to say that those theories have absolutely failed, and we are showing that truth in the consideration of this measure to-day. We are showing that the free play of natural forces and laws of nature will not bring justice. We are showing that the most dangerous occupations of this country are not more highly paid than less dangerous ones. Even the railroad trainmen, following one of the most dangerous occupations in this country, can not trust to natural forces but must struggle against great odds in the task of securing a livelihood for themselves and families.

This Government recognizes to some extent at least that it can not permit the free play of the rival forces of labor and capital to work out a solution, but must take some steps, however slow and halting, toward the idea that the public welfare

is paramount in such struggles and that the end of government is the promotion of the common good.

The fact of the matter is that the theory that if natural conditions prevail all our problems will solve themselves automatically is false in its essence. As a theory it is a thing of beauty, but when we come to actual conditions it is as much outgrown as the stagecoach and the tallow dip.

In this measure we are providing a method of arbitration which may be used when railroad trainmen and the employing companies are facing each other as opponents. It takes no account of the conditions which have brought about such a situation, but it does recognize that this Government should do something to prevent a disastrous struggle which means tremendous loss and waste and injury to the public.

Because it recognizes that principle, no matter how gingerly, I favor it and believe it to be justifiable and worthy. I want to say, however, with the gentleman from Kansas [Mr. MURDOCK], that this measure in no way touches the heart of the problem involved.

The gentlemen who talk of this measure marking a new era in industrial conditions desire to prevent the waste and loss of a great railroad strike. But why not seek to prevent the waste and loss inherent in the present conditions of industry and transportation? Why not go to the root of the problem of waste in this Nation? Why not treat the disease instead of doctoring symptoms?

I have been receiving circulars daily from the managers' committee of the railroads involved in this controversy and I presume every Member of Congress has been favored in similar manner. I have read them carefully and I have noted that while great stress is laid upon the amount of wages paid, no comparison is made with the relative cost of living or the relative amount of dividends paid by the railroads.

The United States Bureau of Labor issued a report on retail prices March 18 of this year. That report shows that the cost of 15 of the principal articles of food has advanced 55 per cent in the past 20 years, and that prices of the other necessaries of life have advanced in still greater degree.

During that period the wages of railroad employees have increased 39 per cent, so that there has been a relative decrease of wages although a nominal increase. In the face of such a situation, and during the same period, the amount of dividends on railroad stocks has increased over 400 per cent, or from more than $87,000,000 in 1890 to over $460,000,000 in 1911.

Mr. Speaker, there is one overshadowing problem in America to-day. Other problems are important chiefly as they bear upon it. It is the burden of the increasing cost of living upon the people of this country. One of its chief factors is the toll levied by railroads upon practically every article of common use. It affects every man, woman, and child in the Nation, and even the trainmen who man the trains which transport these articles must carry the burden.

The cost of transportation is a direct and excessive addition to the prices of the necessaries of life, but still more important is the waste of humanity in our present system of transportation. It is a waste seldom considered, but it is in reality the greatest drain upon the resources of this Nation. It is the loss caused by accidents and sickness and unemployment, which is not considered in the question of wages.

An appalling proportion of railroad trainmen meet death and accident while in the pursuit of their daily toil. Sickness comes to them as to others, and, if the Bureau of Labor is correct in its conclusions, 1 out of every 5 employees is idle for a period of from 1 to 12 months every year.

But in spite of that employment must be undertaken as though men had banished accident and sickness and unemployment from the earth. Little wonder is it that industrial strife is omnipresent and that cries of hatred and shouts of revolt are swelling into a great chorus of discontent.

There is no use in blinding ourselves to the truth and talking of mere surface measures as though they marked a new era in industry. However effective this measure may be in preventing the present threatened conflict, the causes of conflict remain The cancer is still there and no application of court-plaster will avail in its treatment.

The great problem involved is not one which concerns solely the employers and employees. It is of vital importance to all the people of this Nation, and the people as a whole will pay all the bills.

To-day the railroads are paying dividends on $7,000,000,000 worth of fictitious and watered stock. To pay such dividends they are levying a tax upon every article that the American people use. In doing so they are widening the gap between the average man's income and the amount required to provide the necessaries of life for himself and family.

The railroads exist for the service of the public. They are common carriers upon the common highways of the Nation. I maintain that the Nation has the right to deal with them in any way which will promote the common welfare.

I take encouragement from the unanimity of feeling regarding this arbitration measure. I believe it is a step in the direction of the attitude that this Government of ours exists for the people and that its only just function is to promote the general welfare. With that attitude established, we will stop at no surface measures which do not touch the heart of the problems involved. The question of watered stock will be faced fearlessly and the tolls levied because of such fraud will be abolished. Not only that, but if the public welfare demands that the railroads be taken out of the hands of private companies and operated by the Government, that step will be taken without hesitation. The only question which deserves consideration in such a connection is, Will such action benefit or injure the people of this Nation?

I believe that the time will come when that question will be answered and the common good demand that the railroads, which exist for all the people, shall be owned and operated by the Government of the people. But to-day the immediate duty resting upon this body is that of turning governmental action into its true course for the common good. Then only may we flatter ourselves that we have helped to bring about a new era in industrial conditions.

The SPEAKER. The time of the gentleman has expired. The gentleman from Oklahoma [Mr. MORGAN] has eight minutes remaining.

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield one minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the Erdman Act has been a very useful statute. It has been exceedingly helpful in preserving industrial peace and in bringing about satisfactory settlements between railroad companies and their employees. I am pleased that we are about to amend that act in a number of helpful ways. My only regret is that the emergency is such that it is not possible under present conditions to further amend the measure. There are some provisions in the act before us that, to say the least, are superfluous, and that might well be stricken from it, but not particularly important one way or the other, perhaps. But, on the other hand, it would be well, had we the time to consider the matter, to extend the provisions of the act to at least practically all of the employees of railway corporations.

However, the bill as it stands, and as it is likely to be amended, is a great improvement over the present useful statute. We all hope that its passage will prevent a great railway strike and the turmoil and disorder and great loss which would certainly ensue from such a strike.

The public is vastly interested in matters of this sort, and I join with the gentleman from Wisconsin [Mr. STAFFORD] in an expression of regret that these boards of arbitration have not upon them at least one member representing the public at large, for in the final analysis the public at large must pay all of the increase of wages which may result from arbitration.

The railroad companies are now contending that they are unable to increase the salaries of their employees unless they increase the rates of transportation. And yet it is reported in recent Government reports that at least one great railway corporation in the country has recently increased very largely its fixed and permanent obligations without receiving any adequate return for that increase of obligations. The gentleman from Kansas [Mr. MURDOCK] asks what we are going to do about that. My hope is that the time is not far distant when no public-service corporation of any sort or kind shall be allowed to add to its fixed obligations, which the people must eventually pay, until it shall prove to a competent board representing the public that that increase of obligation represents value received. [Applause.] The people, who must eventually pay for these added obligations, have the right to say that the stocks and bonds of public-service corporations, which are a tax upon the public at large, shall not be increased one dollar unless that increase shall represent actual value tending to increase and improve the facilities of the corporation for the services of the public. [Applause.]

The SPEAKER. The time of the gentleman has expired. The gentleman from Oklahoma [Mr. MORGAN] has four minutes remaining.

Mr. MORGAN of Oklahoma. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for four minutes.

Mr. MANN. Mr. Speaker, I first want to congratulate the gentleman from Alabama [Mr. CLAYTON] upon the patience and

generosity which he has displayed in connection with these bills, both his and the one that is called the Newlands bill, the Senate bill.

Mr. Speaker, the history of this legislation is rather interesting. Several gentlemen to-day have clamored—and when I say "clamored" I do not mean to use the term opprobriously—for the right to offer amendments to take in other railroad labor. The first bill that was passed on this subject providing for mediation, conciliation, and arbitration was the act of October 1, 1883, which included all railway labor. It never was utilized. No arbitrations were ever held under it. But after the railroad strike of 1894 at Chicago and elsewhere in the West there was an effort made to prepare a law which might possibly receive the respect both of the railroad owners and the railway employees. That was the Erdman Act. A number of people interested in labor were then opposed to including any labor except those people who were actually included. The brotherhoods which were covered in the actual train service desired to have the Erdman law passed. The others were opposed to it, and the restriction was made as to the classes of employees who should be covered by it.

The Erdman Act was passed in 1898, 10 years after the original mediation, conciliation, and arbitration act was passed, the original act not having been used. The Erdman Act was not used for eight years. Nobody had the confidence to enter into any agreement or provide for any arbitration under its terms for many years, and they never acquired confidence in the law until they had acquired confidence in Dr. Neill, who was the Commissioner of Labor, and in Judge Knapp, who was on the Interstate Commerce Commission. Those were the two men who were called the "mediators" and who had the power of selecting the odd arbitrator in case they had arbitration and the two who were appointed on the respective sides did not agree upon a third arbitrator.

Owing to the confidence reposed in those two men, the Erdman Act came into active operation after 1906, both by mediation and by arbitration. But when the Erdman Act was passed it was expected to apply only to single railroads. Now through the amalgamation of interests between the railroads and their employees it covers controversies involving a great number of railroads and a great number of employees.

Both sides desire that the number of arbitrators may be increased from three, as provided in the Erdman Act, to six, as provided in this bill, and they do not want an odd arbitrator. An odd arbitrator means that one man in the end determines, and that is what both sides want to avoid. An even number of arbitrators forces the two men representing the employees and the two men representing the railroads to deal with each other, and try to reach an agreement through themselves rather than spend all of their time trying to influence an odd arbitrator.

Now, with the history of this legislation in mind, the employees desired to cover additional employees of the railroads. I think no one will object to amending the law hereafter so as to do that. With this bill passed into a law and recognized as it has been, with the Department of Labor bill, providing that the Secretary of Labor shall be a mediator and appoint conciliators, with various propositions which have been pending here, and with the Industrial Commission, created recently for the purpose of devising methods of preventing industrial disputes, I hope we have entered upon an era where men will have such confidence in themselves and in each other as that in the main we shall be able in the future to prevent strikes and lockouts and the troubles which come with them. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired. The gentleman from Alabama [Mr. CLAYTON] has two minutes.

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FITZHENRY].

The SPEAKER. The gentleman from Illinois [Mr. FITZHENRY].

Mr. FITZHENRY. Mr. Speaker, the newspapers for some days have been discussing the emergency which the country faces due to the threatened strike by the conductors and trainmen of the railroads in what is known as the eastern division of the United States. It may be well now to refer briefly to the situation.

In a general way, for the disposition of the controversies between the railroads and their employees, the country is divided into three sections: (1) The territory north of the Ohio and Potomac Rivers and east of Chicago and St. Louis, which is known as the eastern division; (2) the territory south of the Ohio and Potomac Rivers and east of the Mississippi, known as the southern division; and (3) the territory west of Chicago and St. Louis, known as the western division.

A little more than a year ago the Brotherhood of Locomotive Engineers made a demand for an increase of wages for its members from all of the railroads in what is known as the eastern division, or those railroads north of the Ohio and Potomac Rivers. The parties did not avail themselves of the benefits of the Erdman Act, but a contract of arbitration was entered into between that brotherhood and the railroads to submit the controversy as to wages which then existed to a board of arbitration created by the contract. This board was composed of seven members. Some weeks were consumed in the taking of testimony, and then several months were consumed by the board in reaching an award. The contract was for one year and the year had almost expired before the award was handed down by the board of arbitration. This award resulted in a decided increase in the wages of locomotive engineers.

Following this award the Brotherhood of Locomotive Firemen and Enginemen sought a similar increase in the wages of its members from the same railroads. The railroads declined to grant the increase and the controversy was submitted to arbitration, which resulted in a similar increase in behalf of the firemen and enginemen.

Following the increases in wages of the engineers, firemen, and enginemen, a demand was made upon these same railroads for a similar increase in wages by the conductors and trainmen, through their respective organizations—the Brotherhood of Railroad Trainmen and Order of Railway Conductors. This demand of the conductors and trainmen was refused by the railroads on the ground that in 1910 they had granted the men in the train service an increase in wages which totaled the sum of $30,000,000 annually.

Upon the refusal of the railroads to grant the demands of the conductors and trainmen, the organizations representing them submitted a proposition to the railroads of the eastern division to arbitrate their differences under the Erdman Act of June 1, 1898, as amended. The railroads refused to arbitrate under this act, for the reason that it amounts to submitting the controversy to one man.

The Erdman Act provides for a board of arbitration, consisting of three persons, one to be selected by each party to the controversy and these two to select the third within a short time. In the absence of such selection by the two so appointed, then the representatives of the Government are empowered to make the selection. Upon the assumption that the arbitrators appointed by the respective parties would be biased toward the side which presented them, the determination of the issues would devolve entirely upon the third member of the board.

This great power, it was contended by the railroads and not controverted by the representatives of the employees, was entirely too great to be placed in the hands of one person. When the railroads refused the proposition of the employees to arbitrate under the Erdman Act the respective labor organizations submitted the question of a strike to a referendum vote of the respective members.

It has been stated in the press that the issue to be determined by the referendum vote was whether or not to strike because of the refusal of the railroads of the eastern division to grant the conductors and trainmen an increase of $17,000,000 annually in addition to the increase of $30,000,000 granted by these railroads to the conductors and trainmen of these same organizations in 1910. It is but fair to the employees to state in this connection that such was not the case, the issue being whether or not to strike because of the refusal of the railroad companies to arbitrate under the Federal law—the Erdman Act of June 1, 1898.

The vote has been taken and the counting of the ballots has just concluded. The result shows that 94 per cent of the membership of the two railroad labor organizations have voted to strike.

There are 45 railroads directly affected by this controversy, on the one hand, and approximately 30,000 conductors and 70,000 trainmen, on the other, while it is almost startling to estimate the indirect effects upon the happiness, comfort, and prosperity of the American people. If this strike is called by the officers of these two brotherhoods, it will result in the greatest industrial war the Nation has ever experienced, the great A. R. U. strike of 1894 being absolutely insignificant in comparison.

The men are willing to arbitrate under the Erdman Act, but will not arbitrate outside of statutory sanction. The railroads will not arbitrate under the Erdman Act, nor will they arbitrate under a mere civil contract. They say their experience in the arbitration of the engineers' controversy was entirely unsatisfactory to both sides. All of the objections urged by the railroads to the Erdman Act are practically conceded by the great railroad labor organizations representing all of the branches of labor employed by railroad companies. Representatives of these

great organizations as well as representatives of the railroad corporations are to be commended for what I believe is an honest effort on their part to save the country from the awful consequences which will follow should a strike order issue within the next few days, pursuant to practically the unanimous demand of the railroad employees.

The measure now under consideration, S. 2517, which was introduced in the Senate and House at the same time, being H. R. 6141, is a measure that meets all of the objections raised by both the representatives of the railroad corporations and employees. It was written at the instance of the railroads and representatives of the employees' organizations, with the assistance of the officers of the Civic Federation of New York, as well as that of Hon. Martin A. Knapp, Chief Justice of the United States Commerce Court, and Dr. Charles P. Neill, formerly Commissioner of Labor.

After the bill was drafted, representatives met in New York and considered every section and every sentence of this bill. Objections were urged by both sides, but in the mutual concessions of the parties directly interested the representatives agreed to the measure in the form in which it was presented to both Houses of Congress.

On June 20 a joint hearing of the Committee on Interstate Commerce of the Senate and the Committee on the Judiciary of the House was held in the Senate Office Building. Upon that occasion representatives of the railroads and almost all employees of the employees' organizations appeared and assured the members of the two committees that if Congress would pass this measure it would be acceptable to both sides. Mr. A. B. Garretson, the grand chief of the Order of Railway Conductors, was personally present, representing his organization, and stated that he was also authorized to represent Mr. W. G. Lee, the grand master of the Brotherhood of Railroad Trainmen, who had been unavoidably detained in San Francisco and was unable to be present at the hearing. He stated that the provisions of the pending measure were entirely satisfactory to both of the organizations and that arbitration would be accepted under it. Representatives of the railroads gave the joint committee the same assurances.

These two organizations constitute one side of the controversy which, unless submitted to arbitration, will soon throw this country into the worst strike the Nation ever knew.

The Senate passed the bill without amendment, while the Committee on the Judiciary of the House reported several amendments to House bill 6141, these amendments being suggested by the Secretary of Labor. Since the Committee on the Judiciary reported the bill with amendments to this House, and the several days' delay in its passage, I am informed that the Secretary of Labor has requested the Committee on the Judiciary to recede from its amendments to House bill 6141 and to press for immediate consideration Senate bill 2517, with the two amendments which have just been offered by the gentleman from Alabama [Mr. CLAYTON].

The material alterations in the present law which will be made by this bill are comparatively few, the important ones being only two in number—that is, one authorizing a board of six arbitrators as well as a board of three, the other authorizing the board to issue subpœnas for persons and papers and to swear witnesses. The other changes which are material, but not so controlling, are: It creates the board of mediation and conciliation, composed of a commissioner, who shall be appointed by the President, and also officers of the Government who have been appointed by and with the advice and consent of the Senate, not to exceed two in number, permitting the President to name a member of the Interstate Commerce Commission, Commerce Court, if there be one, or any other officer of the Government who has been appointed by and with the advice and consent of the Senate.

The board of conciliation and mediation will be absolutely divorced from political influence and will not be required to report to any Cabinet officer, being directly under the President. In this respect its status will be similar to that of the Interstate Commerce Commission.

Under the Erdman Act the Commissioner of Labor and the chairman of the Interstate Commerce Commission, originally, and afterwards the chief justice of the Commerce Court, were authorized to mediate.

That law was passed in 1898. It was never used until about eight years after it had been upon the statute books, and the reason for this was the lurking suspicion of both sides to great labor controversies that the officers charged with mediation and conciliation might possibly be controlled or biased to some extent by political influence.

As those representing the railroad corporations and the labor organizations learned to know the two gentlemen who occupied the respective offices named in the Erdman Act, respect and confidence grew into esteem when the parties submitted to the work of the Government officers in the settlement of great controversies. From 1906 down to the present time there have been at least 60 controversies, some of stupendous importance, others of less consequence, disposed of under the provisions of the Erdman Act. It was found efficient when controversies were confined to one railroad and its employees, but when these great controversies began to embrace a number of great systems of trunk lines it became apparent that the country had outgrown the usefulness of the Erdman Act, with its present limitations, and it must be apparent to every Member of this House that additional legislation is not only desirable now, but absolutely imperative.

The act fixes the salary of the commissioner at $7,500 per annum and provides that his term of office shall be for a period of seven years. In addition to the creation of this office the office of assistant commissioner is also created, and the salary of that office fixed at $5,000 per annum. The term of office of the commissioner is made seven years in harmony with the idea to create a board that will be as far removed from political influence as possible and in the hope that that officer may win the confidence and respect of those with whom he comes in contact.

The purpose of creating the office of assistant commissioner is to have an officer in training at all times who will be more or less skilled with the work and who will be known to the persons with whom he is likely to deal so that in the event of a vacancy in the office of commisioner that it can be immediately filled without interruption to the business of the board or the traffic of the country.

When the parties to a controversy are unable to have their disputes disposed of by the board of mediation and conciliation, then they are requested to submit to an agreement to arbitrate. Section 4 of the pending measure provides that the contract of arbitration shall be in writing and what it shall contain, so that the extent of the inquiry and the jurisdiction and power of the members of the board of arbitration are so well defined as to practically make it impossible for a future misunderstanding, and tends to make the adjudication clear and complete. This section is one which experience has found to be absolutely necessary.

In the recent controversy between the railroads of the eastern division and the Brotherhood of Locomotive Engineers, the members of the board of arbitration exceeded their authority, it was contended by the employees, and decided a great many matters which were not properly before them. This conduct on the part of the arbitrators beclouded the award and left the parties in substantially as unsatisfactory a position as they were before the arbitration commenced.

Mr. Warren B. Stone, the grand chief of the Brotherhood of Locomotive Engineers, appeared at the joint hearing of the Senate Committee on Interstate Commerce and the House Committee on the Judiciary, and among other things he said:

> On the 29th day of April, 1912, we signed a contract to arbitrate. It was binding for one year from that date—May 1. It expired on May 1 of this year. On the 28th day of November they handed down the first draft of their award. On the 16th day of February they handed down a subdraft of the report, or rather an additional explanatory draft of what the original draft really did mean, and now we are back to them again trying to find out what the last award they handed down really means. And now that the time has expired—on May 1 of this year—only 19 roads of the 54 have put it into operation, and we are still trying to get the rest, and we hope at least that our grandchildren will get the benefit of the award.

Section 4 of the pending measure was written in the light of the circumstances of the controversy between the engineers and the same railroads whose employees are now threatening to strike, and it is so designed as to compel the parties to reach an issue upon which the board of arbitration can readily reach a conclusion and hand down an official award.

The last paragraph of section 6 provides for a reconvening of the board of arbitration for the purpose of interpreting any finding which they may make. It further provides for a subcommittee, which may be appointed by the board of arbitrators, for the purpose of performing this duty, if necessary, which effectually disposes of the possibility of a deadlock upon the committee by reason of the death or inability of a member of the board of arbitration to be present at a session to be convened after the original finding.

Section 7 requires the board of arbitration to confine its deliberations to the matters in issue which have been specifically submitted to it or to matters directly bearing thereon.

All testimony shall be given under oath, and the members of the board, when appointed according to the provisions of the proposed law, are given the power to administer oaths and affirmations.

It is also provided in the same section that all of the evidence shall be preserved, and it, together with the finding of the board, duly certified by the members of the board, shall be filed in the

office of the clerk of the district court of the United States. After it is so filed it is provided by section 7 that judgment shall be entered by the court thereon at the expiration of 10 days from the date of its finding, unless within that time either party shall file exceptions thereto for matters of law apparent on the record. In such case the award shall go into practical operation, and judgment shall be entered accordingly when the exceptions have been finally disposed of, either by the district court or on appeal therefrom.

On questions of law an appeal may be had from the district court to the circuit court of appeals, whose decision shall be absolutely final, and the circuit court of appeals is given authority to set aside the award, in whole or in part, as to matters of law, giving the parties, however, authority to agree upon the judgment to be entered disposing of the subject matter of the controversy.

It further grants to employees the right to be heard in court through their representatives with reference to all questions affecting the terms and conditions of their employment in cases where railroads are in the hands of receivers appointed by a Federal court, and to prohibit a reduction of wages being made by receivers without the authority of the court, after 20 days' notice to the employees.

In writing the pending measure its authors have kept consistently in mind that any process of arbitration and obedience to the award must be voluntary to be effective.

When H. R. 6141 was before the House Committee on the Judiciary, at the suggestion of the Secretary of Labor the committee adopted an amendment to the effect that—

> Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel performance by an employee against his will of a contract for personal labor or service.

This clause does not appear in the bill as originally presented, but is tendered as an amendment by the Committee on the Judiciary and will be of virtue for several reasons. First, it will avoid the possibility of the act being held unconstitutional as contravening the thirteenth amendment to the Constitution, and, second, it will prevent any Federal court from attempting to enforce the terms of any award by its process, thus destroying the voluntary features of this bill which are so essential to effectual arbitration.

Some writers have called this bill a bill for the prevention of strikes, and I believe it comes as near being a bill for that purpose as it is possible to write. It is certainly a measure tending to prevent strikes, and when considered in the light of the experience of the American people under the Erdman Act, with its very circumscribed powers, and that at least 60 strikes of various degrees of consequence have been avoided, it is but reasonable to hope that the passage of this act by the Congress of the United States will have a tendency to very largely do away with the possibility of industrial wars.

There are 45 railroad companies and 100,000 of their employees directly interested in the controversy which now threatens the peace and prosperity of the American people. Of as great importance as the present hour is to both the railroads and these men, the present situation is fraught with infinitely more seriousness to the great agricultural and manufacturing interests of this country.

The railroads involved in the controversy which creates the present emergency represent about 50,000 miles of track and over 40 per cent of the total freight tonnage and passenger traffic of the United States. In the territory directly affected over 38,000,000 people are served by these railroads, and it is shocking even to contemplate the damage that would be sustained by the cessation of traffic at this time. With the wheels of transportation stilled upon 50,000 miles of railroad track in the most densely populated portion of the United States the millions of dollars which would be lost to the railroads and their employees would be infinitesimal as compared to the loss which would be sustained by the farmer and manufacturer of this country. I feel that we would, indeed, be derelict in the performance of our public duty if we were insensible to the exigencies of the present emergency. Our duty is very plain.

APPENDIX A.

AN AUTHORIZED STATEMENT TO THE PUBLIC FROM THE RAILROADS.

Baltimore & Ohio; Baltimore & Ohio Southwestern; Bessemer & Lake Erie; Boston & Albany; Boston & Maine; Buffalo, Rochester & Pittsburgh; Buffalo & Susquehanna; Central New England; Central Railroad of New Jersey; Chicago, Indianapolis & Louisville; Chicago, Indiana & Southern; Chicago, Terre Haute & Southeastern; Cincinnati, Hamilton & Dayton; Cincinnati Northern; Cleveland, Cincinnati, Chicago & St. Louis; Delaware & Hudson; Delaware, Lackawanna & Western; Detroit, Toledo & Ironton; Erie; Grand Rapids & Indiana; Hocking Valley; Kanawha & Michigan; Lake Erie & Western; Lake Shore & Michigan Southern; Lehigh & Hudson; Long Island; Maine Central; Michigan Central; New Jersey & New York; New York Central & Hudson River; New York, Chicago & St. Louis; New York, New Haven & Hartford; New York, Ontario & Western; New York, Philadelphia & Norfolk; New York, Susquehanna & Western; Pennsylvania Lines (East); Pennsylvania Lines (West); Philadelphia & Reading; Rutland; Toledo & Ohio Central; Vandalia; Western Maryland; Wheeling & Lake Erie; Zanesville & Western.

The above railroads are represented by the conference committee of managers.

ELISHA LEE, *Chairman.*

When the conference committee of managers, representing the eastern railroads, meet the conductors and trainmen on Tuesday, July 8, the employees will announce that 90 per cent or more of the men have voted to walk out if their leaders give the word.

The conductors and trainmen have asked for increases in pay of $17,000,000, or 20 per cent per annum, and the railroads have refused to grant any increases, for the reason that the wages now paid these employees are liberal—in many cases they are excessive.

The conductors and trainmen of the eastern railroads received increases of $30,000,000 per annum in 1910, according to President Lee, of the trainmen's brotherhood. As the wages of these employees now approximate some $85,000,000 in a year, their total wages prior to the 1910 increase must have been $55,000,000 or $60,000,000.

It appears, therefore, from President Lee's own estimate, that the trainmen and conductors in 1910 received an annual increase in wages of 50 per cent.

Yet in spite of this they are now asking for $17,000,000, or 20 per cent, per annum additional.

The engineers in 1912 were given an annual increase of $2,000,000, and in May, 1913, the firemen received an advance of $3,750,000 per annum.

If the roads granted the increase now asked by the trainmen and conductors, it would mean that in three years increases in pay to employees in train service would amount to $52,000,000 per annum, which is equivalent to placing on these properties a lien of $1,040,000,000 of 5 per cent securities having preference over first-mortgage bonds.

Wages of railroad labor can only be paid out of the funds received by the railroads for services performed. If these wages absorb a constantly increasing proportion of the receipts from this sole source of revenue, it is obvious that the public must pay the bill in the end.

The question the public has to answer is: How long shall this process of increases be allowed to continue unchecked?

APPENDIX B.

AN AUTHORIZED STATEMENT TO THE PUBLIC FROM THE ORDER OF RAILWAY CONDUCTORS AND THE BROTHERHOOD OF RAILROAD TRAINMEN.

A circular has been sent out in the name of 44 eastern railways regarding the unreasonable wage demands of conductors and trainmen. The statements contained therein are framed to purposely mislead those who may come into possession of the document, and the facts are that instead of extravagant wage being demanded the wage which is insisted upon by the eastern conductors and trainmen is exactly the wage which has been paid for 2½ years past by every railway company west of Chicago and St. Louis and a few cents higher than paid south of the Ohio, and we contend that it is worth exactly as much to run a train 100 miles east of Chicago and St. Louis as it is to run the said train west or south of Chicago and St. Louis.

Comparison of the earning ability of the eastern railways per mile with the earning capacity of the western railways per mile or with the railways south of the Ohio River per mile will readily determine whether the eastern railways are able to pay the same going rate as is paid by the western and southern roads.

As to the extravagance of the rate of pay, it is admitted by even the most conservative estimators that the increase in the cost of living in the past 20 years has been, at the very lowest, 59 per cent. In the past 20 years railway employees have received an increase of exactly 39 per cent. Therefore the conductor or trainman, living according to precisely the same standard, purchasing precisely the same amount of the same commodities that he consumed 20 years ago, has, after paying the increased price for those commodities, less money at the end of the month than he had in the year 1893. Is it reasonable to suppose that he will rest content with what constitutes a considerable decrease in wage during the period named?

Meanwhile how has the owner of railway stock fared? In the year 1890, according to the reports furnished by the railways to the Interstate Commerce Commission, the total amount paid in dividends on railway stocks amounted to $87,071,613. In the year 1911 the total amount of money paid in dividends, according to the same reports, amounted to $460,195,376, and it must be borne in mind that the returns for 1890 included switching and terminal companies, while in 1911 the returns excluded the returns for switching and terminal companies, these being some of the most remunerative properties in existence. Here you have an increase in the amounts paid in dividends of about 429 per cent, while wages have increased 39 per cent.

Attention is further called to the fact that in the year 1890 only $1,598,131,933 of the then existing railway stock of the country, which equaled 36 per cent of the amount then in existence, paid dividends, while in 1911 $5,730,250,326 of the existing stock, equaling 67 per cent of the stock that year in existence, paid dividends.

Attention is further called to the fact that the average dividend rate in 1890 was 5.45 per cent, while in 1911 the average rate was 8.03 per cent, the difference in results being largely produced by economies which placed far more onerous duties upon every conductor and trainman in the service.

These figures have been in the hands of the managers' committee more than 30 days, although their new but commendable devotion to the public interest and the loudly advertised although lately developed desire for publicity growing out of said devotion has not led them to incorporate them in the many statements issued by them for public information.

We may be able to contribute other data that will show that we, no less than the conference committee of managers, desire to add to the sum of human knowledge.

A. B. GARRETSON,
President Order of Railway Conductors.
W. G. LEE,
President Brotherhood of Railroad Trainmen.

Mr. CLAYTON. Mr. Speaker, there is very little more that I care to say on this subject. I wish, however, to amplify as

briefly as I may, and as I am compelled under the circumstances to do, one idea, and that is, what binding force and effect an arbitration board can have under this proposed law.

The proceedings had under this law, Mr. Speaker, must be voluntary, and the acquiescence in the award of the arbitrators must be voluntary, such as high-minded and honorable men usually display in standing up to the contracts and agreements that they make.

My observation, Mr. Speaker, is that the average man will stand by a voluntary agreement or a promise, or where his honor is involved, with a stricter sense of fidelity, or a more refined sense of honor, than he will in a contract that can be enforced by the mere power of the law. So I say that in this case the history of arbitrations has demonstrated that both parties to the arbitrations have uniformly complied with the awards; and therefore, reasoning from what has occurred heretofore, we can safely predict that there will be a repetition of it in the future, so that when we have improved the law under which the arbitration will be had this high sense of honor will bind and public opinion will help to enforce the agreements of men who voluntarily submit their questions in dispute to arbitration. In the high court of public opinion they are bound to stand by that agreement, and as honorable men both employees and the railroad heads will stand by the award, I have no doubt, in every case where one is had. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired. All time has expired, and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read section 3.

Mr. MURRAY of Oklahoma. Mr. Speaker, I move to strike out the last word.

Mr. CLAYTON. Mr. Speaker, I do not wish to deprive the gentleman of any right of debate, but I make the point now against any amendment to be offered when he has finished what he wishes to say.

Mr. MURRAY of Oklahoma. I understand that.

The SPEAKER. We are operating under a special rule which cuts out all amendments except the two that are to be offered by the chairman of the Judiciary Committee.

Mr. MURRAY of Oklahoma. I understand that we are operating under a rule which permits of only two amendments which the gentleman holds, those amendments having been agreed upon yesterday in the conference. But I wish to call the attention of the House——

The SPEAKER. But the gentleman is out of order. Whenever the gentleman from Alabama [Mr. CLAYTON] offers an amendment, one of the two that are permitted, then the Chair will recognize the gentleman from Oklahoma for five minutes, after the gentleman from Alabama has occupied his five minutes.

Mr. MURRAY of Oklahoma. That will be entirely satisfactory.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation, and any member of the board of arbitration shall have the power to administer oaths or affirmations. It may employ such assistants as may be necessary in carrying on its work. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may adjourn for its deliberations. The board of arbitration shall furnish a copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators to the board of mediation and conciliation, to be filed in its office. The clerk of any court of the United States in which awards or other papers or documents have been filed by boards of arbitration in accordance with the provisions of the act approved June 1, 1898, providing for mediation and arbitration, is hereby authorized to turn over to the board of mediation and conciliation, upon its request, such awards, documents, and papers. The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor are hereby authorized to turn over to the board of mediation and conciliation, upon its request, any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of said act.

Mr. CLAYTON. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, strike out all the language beginning with the words "the board" in line 4, down to and including the word "act," in line 22 of the same page, and insert in lieu thereof the following:

"The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph 11 of section 4 of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the board of mediation and conciliation, to be filed in its office.

The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the board of mediation and conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the act approved June 1, 1898, providing for mediation and arbitration."

Mr. CLAYTON. Mr. Speaker, in the very beginning of the consideration of this bill to-day I explained this amendment, but perhaps some of the Members were not present, and I therefore crave indulgence to make another brief explanation.

Mr. GARDNER. Will the gentleman yield for a question?

Mr. CLAYTON. With pleasure.

Mr. GARDNER. I call the attention of the gentleman to the fact that his amendment as presented says to strike out all from the words "the board," in line 4, down to line 22 on the same page. I suppose the gentleman means line 11 on page 11.

Mr. CLAYTON. No. The gentleman is mistaken. The gentleman from Alabama meant exactly what he said. The gentleman from Massachusetts has the House print of the bill, but we are reading the print of the bill as it came from the Senate.

Mr. GARDNER. I was looking at the bill which was given to me by the Clerk.

Mr. CLAYTON. Yes. The gentleman fell into that error by having the House bill instead of the Senate bill.

Now, Mr. Speaker, in subdivision 11 of section 3 of the bill it is provided that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record.

Now, on page 10 the language stricken out provides that the board of arbitration shall furnish a copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearing, certified under the hands of the arbitrators, to the board of mediation and conciliation, to be filed in its office, and so forth.

Now, of course, you can not file these original papers both in the district court and also at the same time with the board of mediation and conciliation. Hence the language is stricken out, and the language provided in the amendment is substituted, so that by the proposed amendment certified copies of these papers may be transmitted to the board of conciliation.

Mr. STAFFORD. Will the gentleman yield?

Mr. CLAYTON. Yes.

Mr. STAFFORD. I notice, on page 8, in section 6, it provides that the original agreement to have a board of arbitration is to be filed in the office of the board of mediation and conciliation, whereas under the pending amendment it provides that all original papers of the board of arbitration are to be filed with the clerk of the district court. How is the board of arbitration to file the original articles of agreement with the clerk of the district court if the original has theretofore been filed with the board of mediation and conciliation as provided in the first paragraph of section 6?

Mr. CLAYTON. It provides that certified copies may be filed with the board.

Mr. STAFFORD. Your amendment provides that the original papers shall be filed with the clerk of the district court.

Mr. CLAYTON. And certified copies with the board of mediation and conciliation.

Mr. STAFFORD. Here you provide in one paragraph that the original agreement of arbitration is to be filed with the board of mediation, whereas under the phraseology of the amendment you provide that the original papers are to be filed with the clerk of the district court. It appears to me that there is a conflict.

Mr. CLAYTON. That is just what this amendment seeks to remedy, and I think it does. It was the opinion of everybody who had the measure under consideration yesterday that this reconciled that conflict.

Mr. STAFFORD. If that is the case, very well. One provision provides that the original papers be filed with the board of mediation and conciliation and the other provision provided that they be filed with the clerk of the district court.

Mr. CLAYTON. I ask for a vote.

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] desired to address the House for five minutes.

Mr. MURRAY of Oklahoma. Mr. Speaker, I understand that we are operating under a rule that permits but two amendments, and therefore I desired merely to make some observations with reference to this legislation, in which I have had much experience. We provide in this bill for an arbitration board of three or six, which in my opinion is a mistake. We had experience with that same mistake in my State. We violate the rule of the jury trial, wherein only those are permitted to serve who have no interest, by providing in arbitrations that only those shall serve who have an interest. It occurs to me to be a very serious mistake to provide that a board shall be divided equally between the contending parties, for the reason that selfishness exists universally among men.

As a fundamental proposition we know no interest but public interest. We deal with this question of strikes largely because of the public interest. Neither the laboring man nor the employer can be relied upon to provide or point out a complete remedy. It occurs to me that the language should be amended in this bill by providing, after the word "arbitrator," that the third man, or the two men in the case of six, should not be "employers of labor for any transportation, transmission company, or any common carrier, nor should he be an employee of any such company," so that men representing other occupations should thus become the deciding element in the determination. In Oklahoma we provided in a bill similar to this a board of seven, two of whom should be employees, two employers, and two other citizens, and one, the chairman, the labor commissioner, elected by the people. That was opposed in the beginning by some of our labor leaders under a mistaken notion that existed then and exists now in the preparation of this bill; but now all agree to it, because other citizens are placed on the arbitration board who have neither a direct nor personal interest in the controversy, and they should be the ones to decide, having in view the public interest and the rights between the two contending parties. We should not in legislation attempt to take the side of either of the contending parties, but to do exact justice, and that can not be done when you select a man, one representing one side and one representing the other and letting them select the third man, without such restriction. One of them may be biased in favor of the other side, and a man might be selected who might not be properly an arbitrator between the two. If the language were broad enough to eliminate the danger, it would be fair to the laboring man, because he would not be subjected to the liability of having a majority in interest against him. It will be fair to the great corporations in the same way. I am pleading for fairness, not as a representative of any class. I know no interest but the public interest, and right between man and man is the only policy upon which we should proceed. I realize that amendment can not be offered now, but I am sure that this is the wisest course in determining this legislation.

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The Clerk read as follows:

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award in whole or in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Mr. CLAYTON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 11, insert, after the word "award," in line 26, the following:
"Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, just one word. The reason why this amendment was offered is to restore or keep in the law this provision which is now in the Erdman law. It was omitted by the draftsman from the bill which was introduced in the House, known as the Clayton bill, and from the bill which was introduced in the Senate, known as the Newlands bill. It was omitted from each one of those bills by some sort of inadvertence. It ought to go back into the bill, and it was agreed by all parties most directly interested in this legislation that it should go in, and on yesterday at the conference it was formally agreed that I should offer it to-day as one of the amendments to this pending Senate bill, which I now do, and I ask its adoption.

Mr. MORGAN of Oklahoma. Mr. Speaker, I desire to call the attention of the House to the fact that this provision in its entirety was not in the original Erdman Act. The first clause, "that nothing in this act contained shall be construed to require an employee to render personal service without his consent" was not in the original Erdman Act. We are adding that much to the Erdman law. There is another distinction. The rest of the clause was in that part of the Erdman Act which provides for the stipulation into which the parties shall enter, in subdivision 3, while this puts it in the main part of the law. The forepart of this amendment is not in the Erdman Act, as I understand it, although, I think, it is proper and should be adopted.

Mr. CLAYTON. Mr. Speaker, my opinion is that it is there in substance. The exact phraseology may not be there, but it ought to be in this bill before we pass it, and it was agreed by all parties most interested that it should go into the text as I have offered it.

Mr. MANN. If the gentleman would permit, the Erdman Act provides in one place:

Provided, That no employee shall be compelled to render personal service without his consent.

And in another place:

Provided, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

All the gentleman has done is to consolidate the two into one.

Mr. CLAYTON. And, I think, to shorten and improve the phraseology.

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk concluded the reading of the bill.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was read a third time and passed.

On motion of Mr. CLAYTON, by unanimous consent, the bill (H. R. 6141) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees was ordered to lie on the table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees.

Mr. MANN (when the Committee on the Judiciary was called). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I ask for the regular order. What is the regular order?

The SPEAKER. The Chair thinks it is the call of committees.

Mr. MANN. Then I will take the liberty of reminding the Chair that a highly privileged matter was pending before the House and is still pending before the House as the unfinished business, and hence is the regular order, namely, a report from the Committee on the Judiciary recommending that the resolution offered by the gentleman from California [Mr. KAHN] lie on the table.

Mr. CLAYTON. I can not hear the inquiry, Mr. Speaker.

The SPEAKER. The inquiry which the gentleman from Illinois [Mr. MANN] made was, What is the regular order? Is there any unfinished business?

Mr. MANN. The unfinished business, Mr. Speaker, is the report from the Committee on the Judiciary which was under consideration when the House adjourned for lack of a quorum. It was some days ago, but the regular order has not been demanded since.

The SPEAKER. Of course not. The Chair will ask the gentleman from Illinois [Mr. MANN] a question: Is not the Palmer bill relative to the judge in the State of Pennsylvania unfinished business, too?

Mr. MANN. Undoubtedly it is unfinished business, but the other is a privileged report and has precedence.

The SPEAKER. If the gentleman from Alabama [Mr. CLAYTON] wants to call it up——

Mr. MANN. The demand for the regular order calls it up.

The SPEAKER. Nobody has made the demand for the regular order. If the gentleman makes such a demand, then it is the regular order.

Mr. MANN. The Speaker did not hear. I asked for the regular order. I understood that we had an arrangement about it.

Mr. CLAYTON. There is no trouble about it, Mr. Speaker. And I was about to get on my feet when the Committee on the Judiciary was called, and when the gentleman interposed his inquiry, to offer to the House for present consideration at this time the report made on House resolution No. 181, and to move that in accordance with the recommendation in the report of the committee that the resolution do lie on the table, and to couple with this a request for unanimous consent. Of course, we all know that a motion to lie on the table is not debatable. There has never been any disposition, Mr. Speaker, on the part of the committee or its chairman to deny to the gentleman from California [Mr. KAHN] an opportunity to be heard on the subject matter of this resolution; but the committee thought, and the chairman thought, that there ought to be a quorum present when that resolution was voted upon—that is, if the question of no quorum was to be raised. We could not reach an agreement about that, and we could not get a quorum when the matter was up before. But I think we have a quorum present to-day, and I understand, and I would invite the attention of the gentleman from Illinois [Mr. MANN] to this, as to whether I am correct or not, that the question of no quorum vel non will not be raised after this discussion, but after debate is had, then the motion to lie on the table will be put, and there will be no effort to ascertain the presence or the absence of a quorum?

Mr. MANN. Well, Mr. Speaker, I do not myself expect to raise a question of no quorum in that form. I expect to ask for a roll call, and if supported by enough Members in the House to obtain a roll call, that, of course, would develop whether there is a quorum here or not.

Mr. CLAYTON. That is tantamount to the same thing, and, Mr. Speaker, I believe we will have a quorum present to-day. If we have not, it will not be my fault nor the fault of the gentleman from Illinois [Mr. MANN]. I think in due deference to the gentleman from California [Mr. KAHN], as he has been contemplating a speech on this subject quite as long as it is safe for him to contemplate such a matter [laughter], we ought to accord him the opportunity for expounding his views on this question. And the committee thought that all of these communications of the Attorney General covered by the resolution had been brought in and the request complied with, and yet, Mr. Speaker, the opinion of any committee or the opinion of any one man is, fortunately, not to guide or control all of us. It may be fortunate to the gentleman from California that in this House of free speech he can not agree with the committee or the chairman, and therefore the chairman of the committee and the committee itself wishes this agreement that I have suggested to be made in order to afford to the gentleman from California ample opportunity to deliver himself.

The SPEAKER. I wish the gentleman from Alabama [Mr. CLAYTON] was to state his request over again.

Mr. CLAYTON. Mr. Speaker, my motion is that the resolution as reported by the committee do lie on the table. How much time would the gentleman wish for debate?

Mr. MANN. The gentleman from California [Mr. KAHN] desires an hour and one other gentleman desires a little time.

Mr. CLAYTON. That three hours be accorded for debate on the resolution, and that one-half of that time be controlled by the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] and one-half to be controlled by the chairman of the Committee on the Judiciary.

The SPEAKER. The gentleman from Alabama moves that the Kahn resolution lie on the table.

Mr. CLAYTON. It has been suggested that I modify it by saying two hours—one hour to a side.

The SPEAKER. And in addition to making his motion, he asks unanimous consent that the debate on the resolution to lie on the table run for two hours, one half of it to be controlled by himself and the other half by the gentleman from——

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. CLAYTON] if he will not make an extension of the time?

The SPEAKER. And the gentleman from Illinois [Mr. MANN] one-half.

Mr. MURDOCK. The gentleman from Illinois [Mr. MANN] wants to use his hour, and the gentleman from Alabama [Mr. CLAYTON] wants to use his hour.

Mr. CLAYTON. It is now about 16 minutes to the hour of 3, and two hours would take us to a quarter of 5, the usual adjourning time. Three hours would take us until nearly everybody's dinner time, and some of the Members have suggested to me that probably we could not have a quorum at 6 o'clock.

Mr. MURDOCK. There is probably not a quorum present now, but I will say to the gentleman that this division of an hour on either side is liable to shut me out, and I do not think the gentleman wishes to do that.

Mr. CLAYTON. I should very much regret that.

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object, I want to say, with all due deference to the gentleman from Alabama [Mr. CLAYTON], that I do not see what public good could be accomplished in engaging in debate over the resolution which the committee has unanimously recommended, both Republicans and Democrats, to go to the table.

I understand that the Attorney General laid before the Committee on the Judiciary all of the papers and correspondence in reference to this case, and the committee went over it carefully and agreed unanimously, both Democrats and Republicans, that he had done all that was necessary, and they brought into the House all of the papers affecting this case.

Now, Mr. Speaker, I have always thought, and I think that everybody here in this House and the country believes, that the district attorney in California in sending his sensational telegram was simply burning a little red fire for his own personal and political advantage.

Mr. MANN. It appears that the gentleman himself desires to make a speech, but does not want anybody else to make one.

Mr. BYRNS of Tennessee. I will object now if the gentleman from Illinois objects to my being heard.

Mr. MANN. The gentleman himself makes a speech in which he objects to everybody talking, and then talks himself.

Mr. BYRNS of Tennessee. I will say, Mr. Speaker, that the gentleman from Illinois [Mr. MANN] is the only Member of the House who has had an opportunity to discuss this matter. It has been discussed by him, and simply because I believe that this effort to discuss it now is only for the purpose of embarrassing the administration, if possible, I object.

The SPEAKER. The gentleman from Tennessee objects, and the question is on the motion to lay the resolution on the table.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Illinois——

Mr. MANN. I did not desire to make the point of order, but the gentleman from Tennessee [Mr. BYRNS] was undertaking to run that side of the House, and——

Mr. BYRNS of Tennessee. Mr. Speaker, I resent that statement.

The SPEAKER. Both gentlemen are out of order on each side.

Mr. BYRNS of Tennessee. Mr. Speaker, this is the first time I have made a request for unanimous consent.

The SPEAKER. The gentleman does not need to give any reason for a unanimous-consent request, and the gentleman from Tennessee [Mr. BYRNS] made his objection, as he had the right to.

Mr. MANN. Certainly.

The SPEAKER. And the gentleman from Illinois [Mr. MANN] made his point of order, as he had the right to. The Chair will count.

Mr. UNDERWOOD. Mr. Speaker, before the Chair counts, I would like very much, if it should turn out that there is no quorum present——

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. It would be unfortunate, if a quorum is shown not to be present, for the Erdman bill to go over, and therefore I desire to ask unanimous consent to vacate the order made this morning to the effect that when the House adjourns to-day it adjourn until Friday.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to vacate the order made this morning that when the House adjourns to-day it adjourn until Friday. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, we just passed the amendment to the Erdman bill by unanimous consent under a rather restrictive unanimous-consent arrangement. It was desirable that there should be time for that bill to go to the Senate and for the Senate to agree to the amendments, and then for the bill to be enrolled and messaged back, so that it could be signed by the Speaker before the House adjourns, with a quorum present, and the same action had in the Senate.

The gentleman from Alabama [Mr. CLAYTON] and myself had agreed that under the circumstances it was desirable for the House to remain in session. We thought that the House might

as well have a discussion as long as we insisted on this side of the House on the pending proposition before the House. Unfortunately, the gentleman from Tennessee [Mr. BYRNS] is opposed to having a discussion of the pending proposition, and has objected, as, of course, he had the right to, and threw sand into the machinery—threw a monkey wrench where a monkey wrench was not desired. [Laughter.]

Mr. BYRNS of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNS of Tennessee. When I reserved the right to object a few moments ago I understood the gentleman from Illinois to make the point that I had no right to make a speech.

Mr. MANN. The gentleman is mistaken.

Mr. BYRNS of Tennessee. I understand the gentleman from Illinois is speaking now under a reservation of the right to object. I would like to ask the Speaker what is before the House?

The SPEAKER. The question before the House is for the Speaker to count to see if there is a quorum present. No. It is the request of the gentleman from Alabama [Mr. UNDERWOOD] for unanimous consent to vacate the order made awhile ago, that when the House adjourns to-day it should adjourn until Friday.

Mr. MANN. Of course, Mr. Speaker, even such a request is not permissible when a point of order is pending.

The SPEAKER. Of course the gentleman from Illinois is absolutely correct in that contention if he insists upon it.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. What will be in order if the Speaker counts and finds that a quorum is present?

The SPEAKER. To vote on tabling that amendment.

Mr. MANN. I would like to say to the gentleman from Tennessee [Mr. BYRNS] that I did not object to the gentleman making a speech; none at all. The gentleman misunderstood me. I said that the gentleman himself objected to other people making a speech. I have not objected to the gentleman making a speech. I am always glad to hear him, whether he is for me or against me.

Mr. CLAYTON. Mr. Speaker, may I ask unanimous consent to make a brief suggestion?

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to address the House. Is there objection?

There was no objection.

Mr. CLAYTON. My suggestion is that we let this resolution 181 and the motion in relation thereto and the proposition of debate thereon be the order of business on next Friday, beginning at the hour of 12.

Mr. MANN. I do not see that we will be any better off then than we are now.

Mr. CLAYTON. We will agree——

The SPEAKER. Has the gentleman from Illinois [Mr. MANN] withdrawn his point of no quorum or not?

Mr. MANN. That depends on whether we can go ahead with this.

The SPEAKER. But the Chair can not put any of these requests unless he does withdraw it.

Mr. CLAYTON. I will ask the gentleman to allow me to amplify or modify my suggestion, and see if we can not come to an agreement whereby we can accommodate everybody who wishes to speak on Friday.

Mr. MANN. If the gentleman desires to make a request for unanimous consent, I will withdraw the point of no quorum.

The SPEAKER. The gentleman withdraws the point of no quorum temporarily, and the gentleman from Alabama asks unanimous consent that this whole matter go over until Friday and be the first thing after the routine business on Friday; and then gentlemen can agree as to how long they are going to debate or agree not to debate.

Mr. MANN. Oh, we will agree now.

Mr. BYRNS of Tennessee. I do not think you can agree now.

Mr. CLAYTON. I should like the agreement made now.

The SPEAKER. Has the gentleman anything to suggest about the length of debate? Of course, there can be no debate whatever unless there is an agreement to debate.

Mr. CLAYTON. I suggest, then, that we have four hours debate, the time to be equally divided.

Mr. MANN. If the gentleman from Alabama will withdraw his motion temporarily, to lay this resolution upon the table, the resolution will then be subject to debate, and the gentleman from Alabama can at any time move to lay the resolution on the table, at the end of 2 hours or 2 hours and 10 minutes, or whatever time he wishes.

Mr. CLAYTON. I will agree to anything we can do that is at all reasonable, that will bring us to an agreement, and enable my esteemed friend the gentleman from California [Mr. KAHN] to make his speech at the earliest possible moment. I insist upon his right to speak. [Laughter.]

The SPEAKER. The gentleman from Alabama asks unanimous consent that this whole matter go over until Friday, and that it shall be the first thing after routine business.

Mr. CLAYTON. And I withdraw my motion to lay on the table at this time; but at the conclusion of the debate—the four hours, or whatever it is—I shall then renew my motion to lay resolution 181 upon the table.

Mr. BYRNS of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

My BYRNS of Tennessee. Does or does it not require unanimous consent to withdraw the motion to lay the resolution on the table?

The SPEAKER. Oh, no; he can withdraw it at any time, in the House.

Mr. BYRNS of Tennessee. It has been before the House and has been the subject of some discussion.

The SPEAKER. It has never been voted upon and never debated. You can not debate a motion to lay on the table.

Mr. MANN. The gentleman can withdraw his motion at any time, of course, this being in the House.

Mr. CLAYTON. I signified my desire to withdraw it a while ago, and I do withdraw the motion here and now, to lay the resolution on the table.

The SPEAKER. This matter goes over as unfinished business until the next meeting of the House under the rule.

Mr. CLAYTON. Yes.

The SPEAKER. And when it goes over to the next day there is no debate on it except by unanimous consent.

Mr. MANN. The gentleman has withdrawn his motion, and so the resolution is subject to debate until he renews his motion.

The SPEAKER. That is true.

Mr. CLAYTON. Then I will add that I will do what I can to accommodate all the gentlemen who wish to speak on this, and I suggest now that probably we ought to have a debate of four hours on Friday. I would like to reserve for the committee one half of that time, the other half to be distributed between the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK], and that will be the proposition that I will make. And, further, at the end of that four hours' discussion, which I think will be rather useless, I shall move that the resolution do lie on the table, in accordance with the instructions of the committee.

Mr. MANN. As I understand, the gentleman from Alabama [Mr. CLAYTON] now asks unanimous consent that this resolution be postponed until next Friday, with the notice which he has given.

Mr. CLAYTON. That is the understanding.

Mr. MANN. I shall make no objection.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks that the consideration of this resolution go over until next Friday, with the intimation, of course, that he is willing to ask for four hours' debate. Is there objection?

There was no objection.

CALL OF COMMITTEES.

Mr. CLAYTON. Mr. Speaker, you were calling the Judiciary Committee, as I understand.

The SPEAKER. But the gentleman from Illinois [Mr. MANN] has demanded the regular order, and this is the regular order.

Mr. PALMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PALMER. That matter having been disposed of, is not the Philadelphia judgeship bill the unfinished business which comes up now automatically?

The SPEAKER. It is.

Mr. MANN. But, Mr. Speaker, it is unfinished business when it is reached in its regular order, and can come up now on a call of the Judiciary Committee.

Mr. PALMER. There is nothing else on the calendar, so it is reached in its regular order right now.

Mr. MANN. It is not reached in its regular order until it is reached in its order on the call of committees. I have no objection.

The SPEAKER. The unfinished business undoubtedly comes ahead of the call of committees.

Mr. MANN. I have no objection to its coming up; but, however, it only comes up as unfinished business when it is

in order like any other matter that is called up by a committee. It is not a privileged matter.

The SPEAKER. Of course, the Chair understands that it is not privileged.

Mr. MANN. But as the Judiciary Committee is now on call, you can call that, and that will obviate it.

The SPEAKER. That bill is on the Union Calendar, and does not come up under the call of committees until the call of committees has consumed 60 minutes. Then the gentleman from Alabama or the gentleman from Pennsylvania or anybody else could move to go into Committee of the Whole to discuss that bill; but the question is whether it does not come up as the unfinished business. The only thing that shut it out in the first place was this privileged matter.

Mr. GARDNER. If the Chair will allow me, I do not think it comes up as unfinished business. The Chair will remember that before Calendar Wednesday was instituted frequently bills under calls of committee were left as unfinished business, and stood as such until the end of the session. The Chair will remember, for instance, that the bill to prevent the Marine Band from playing outside engagements was left as unfinished business by the adjournment of the House under a call of committees. Until that call of committees is reached again, until that stage is reached under which the bill is in order, then the bill is not unfinished business. In an hour the stage will again be reached under which this bill is unfinished business, to wit, when the call of committees is exhausted, and the motion to go into the Committee of the Whole House on the state of the Union will then be in order to consider any particular bill.

The SPEAKER. The Chair will inquire of the gentleman from Alabama whether the previous question has ever been ordered upon this bill?

Mr. CLAYTON. Mr. Speaker, my recollection is that it has not. I feel sure about that.

The SPEAKER. That bill was being considered in the House as in Committee of the Whole, and the particular thing under discussion when the House adjourned was a motion of the gentleman from Alabama to concur in the first Senate amendment. The Chair is inclined to think that the gentleman from Massachusetts is correct. The Clerk will proceed with the call of committees.

The Clerk proceeded to call the committees.

LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

Mr. CLARK of Florida (when the Committee on Public Buildings and Grounds was called). Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913.

The SPEAKER. On which calendar is that bill?

Mr. CLARK of Florida. It is on the Union Calendar.

The SPEAKER. It can not be considered at this time.

Mr. CLARK of Florida. I am asking unanimous consent.

The SPEAKER. That is exactly the thing that can not be done under the rule.

Mr. CLARK of Florida. But it is exactly the thing that we did the other day.

The SPEAKER. It was improperly done then. When the 60 minutes have been consumed, or when this call of committees has gone around, then the Chair would feel under obligations to recognize the gentleman from Alabama [Mr CLAYTON] first, if he wanted to be recognized, to make a motion to go into the Committee of the Whole on the Pennsylvania judgeship bill, or he would recognize the gentleman from Florida.

Mr. CLARK of Florida. Mr. Speaker, if I may be permitted, the Speaker, as I recollect it, a few days ago made the distinction, which was correct, in my judgment, that this was an emergency matter.

The SPEAKER. That is true, but the rule does not provide for emergency matters. The Chair has no earthly objection to recognizing the gentleman and putting his request for unanimous consent, if it were not for the rule, but when the Unanimous-Consent Calendar was established, that took away from the Speaker the power to recognize Members to make requests for unanimous consent.

Mr. BURKE of South Dakota. Mr. Speaker, I would respectfully call the Chair's attention to the fact that when this bill was called up the other day I submitted to the Speaker a parliamentary inquiry whether or not it was in order to submit the request for unanimous consent which was asked by the gentleman from Florida. The Speaker stated, referring back to the last Congress, that he had distinguished between what he considered emergency matters and other matters, and had recognized Members for unanimous consent, and that he considered this particular bill as being an emergency measure, and therefore decided that it was in order to submit the request for unanimous consent.

The SPEAKER. That is true; but the gentleman does not state all that the Speaker said. The Chair then said that on one occasion, to save the Government money, he recognized four or five gentlemen to call up little bills that the Chair thought ought to be disposed of. After he had recognized four or five of them the gentleman from Wisconsin [Mr. COOPER] rose and propounded a parliamentary inquiry and made several remarks of his own, the inquiry being whether we were going back to the old system, and the Chair has never felt like recognizing anybody for unanimous consent since that time. The rule is positive. The Clerk will proceed with the call of committees.

The Clerk proceeded with the call of committees.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and employees.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2517. An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

The Clerk called the Committee on the Judiciary.

Mr. CLAYTON rose.

Mr. CLARK of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill (H. R. 6383)——

Mr. CLAYTON. Mr. Speaker, I was responding to the call of the Committee on the Judiciary.

The SPEAKER. The call had already gone around.

Mr. CLAYTON. I thought the Clerk had just reached it again, and I rose immediately.

The SPEAKER. The Chair has already stated that he would first recognize the gentleman from Alabama. Of course each gentleman has exactly the same right. The gentleman from Alabama is recognized.

Mr. CLAYTON. Mr. Speaker, I call up the bill (H. R. 32) to provide for the appointment of an additional circuit district judge in and for the eastern district of Pennsylvania and ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the bill (H. R. 32) in the House as in Committee of the Whole.

Mr. CLAYTON. Mr. Speaker——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Was not an order entered at the session where this bill was taken up before?

The SPEAKER. That is the recollection of the Chair. If that is correct, then you do not have to ask unanimous consent.

Mr. MANN. I was not here, and I do not remember.

Mr. PALMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PALMER. Would it be in order now to move to disagree to the Senate amendments and ask for a conference, while the bill is in the House?

Mr. CLAYTON. I did not understand the inquiry of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois inquired if, when this bill was up before, the order had not been made by unanimous consent to consider it in the House as in Committee of the Whole. That is the recollection of the Chair, which has been confirmed.

Mr. CLAYTON. I ask unanimous consent, Mr. Speaker, to vacate that order, and that the Senate amendments be disagreed to, and a conference asked.

Mr. MANN. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Was not the motion of the gentleman from Alabama [Mr. CLAYTON] to concur in the Senate amendment No. 1

pending when the House adjourned for lack of a quorum? Is not that the pending question now before the House?

The SPEAKER. It undoubtedly is.

Mr. CLAYTON. Therefore, I asked to vacate it.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. My recollection is that when this matter was under consideration the last time there was no motion pending, and that when the point of no quorum was raised and a roll call was ordered the Speaker ruled that there was no motion before the House and that therefore the roll call was simply for the purpose of developing a quorum.

The SPEAKER. That depends. The purpose of a roll call depends entirely on the situation at the time. Now, for instance, when they are dividing and some gentleman raises the point of no quorum, why then, when the doors are closed and the roll is called, they answer on the question that is pending "yea" or "nay," but if you have not reached that stage, then when you have the roll call under the circumstances you simply answer "here" or "present," or some equivalent. When the House adjourned on the point of no quorum being raised, or the House sitting as a Committee of the Whole, the motion of the gentleman from Alabama [Mr. CLAYTON] was pending to concur in Senate amendment No. 1. At least that is the recollection of the Chair. The gentleman from Indiana [Mr. CULLOP] moved to disagree.

Of course, the motion of the gentleman from Alabama [Mr. CLAYTON] was a preferential motion. That is where we were when the House adjourned, and that is where we are now.

The gentleman from Alabama [Mr. CLAYTON] submits a unanimous-consent request that the order to consider this bill in the House as in the Committee of the Whole be vacated and that the House disagree to the Senate amendment and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman asks us to agree by unanimous consent to disagree to the Senate amendment.

The SPEAKER. Yes; and the other Senate amendment, too.

Mr. CLAYTON. And I will be perfectly frank in saying to the gentleman that there will be a vote on this so-called Cullop-Mann amendment, whatever action the conferees may take.

Mr. MANN. I will be perfectly frank with the gentleman and say if the conferees should agree in the conference there is no possibility of a vote on this amendment.

Mr. CLAYTON. I think we can arrange that.

Mr. MANN. It can not be arranged. The conference can not be divided up, even by the consent of every Member of the House, because the conference report goes to both bodies and one House can not divide it up.

Mr. CLAYTON. I have seen a separate vote had on appropriation bills. I can not recall exactly when.

Mr. MANN. The gentleman has seen a separate vote, but where the conferees did not agree upon some item, or he has possibly seen the House reject a conference report in toto and then have a separate vote on the item. There is no parliamentary method for dividing up a conference report.

Mr. CLAYTON. My understanding is that no rule of this House is paramount to the unanimous-consent power of the House.

Mr. MANN. But a conference report does not depend upon the rule of one House.

Mr. CLAYTON. But our action in respect thereto in this House depends upon the will of the House.

The SPEAKER. The Chair would state that if it was attempted the Chair would undoubtedly rule that you could not cut up a conference report. Now, here is the situation which the gentleman from Alabama [Mr. CLAYTON] has in mind, in all human probability, namely, that the conferees bring in a partial report, to which the House agrees, and which leaves over certain other matters in controversy that have not been agreed to; then some gentleman moves to concur, or to concur with an amendment, or to disagree, and in that way what might ordinarily be supposed to be a conference report is divided up. But a conference report, if the conferees agree, is to be disposed of as an entity or whole.

Mr. CULLOP. A parliamentary inquiry, Mr. Speaker.

Mr. CLAYTON. I apprehend, Mr. Speaker, that probably there would not be an agreement. I do not know about that.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] will state his parliamentary inquiry.

Mr. CULLOP. In order to get a separate vote on the report of the conferees, would it not be in order, if the conferees saw fit, to make a partial report on amendment No. 1, and then let the House act upon that, and then afterwards make another report as to amendment No. 2, and, therefore, get a separate vote under the parliamentary rules on each amendment to this bill? Now, I can see no reason why that can not be done, and I ask the Speaker, as a parliamentary inquiry, if it can not be done?

The SPEAKER. That can be done. Here is the whole situation about conference reports: If the conference report is complete it has to be voted on as an entity. You can not divide it.

If the conference is incomplete or only partial, then the usual procedure is to agree to the partial conference report. That throws the rest of it open to a variety of actions and motions. Somebody can move to concur. Somebody can move to concur with an amendment. Somebody can move to disagree. The motion to concur has preference over a motion to concur with an amendment.

Mr. MANN. No, Mr. Speaker, it has not. It is just the reverse.

The SPEAKER. Yes; it is the reverse of that. All those motions can be made. But if it is complete, that is the end of it. You have got to vote "yes" or "no" on it.

Mr. CULLOP. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. In order to accommodate the situation that exists now in the House, the conferees could readily provide so that the House could have a separate vote on each one of these amendments

Mr. MANN. You might as well have it now as at any other time.

Mr. CLAYTON. I think the Chair is correct as to the indivisibility of a conference report. I was reflecting on the subject while the Chair was delivering his opinion, and I think the Chair is correct. Of course, the House could express its opinion on the report, and the debate and the opinion of the House rejecting a conference report might be predicated upon opposition to only one item in the report. But a disagreement as to one item, of course, is a disagreement to the whole report, because it must stand all together or fall all together. I think the Speaker is right about that.

What I was endeavoring to do, Mr. Speaker, was to get this legislation along. I do not want to deprive any man of his vote or of his record on any question, whether it has substance in it or whether it is a moot question involved in the amendment.

I do not think the so-called Cullop amendment in the bill is worth three hoorays, anyhow [laughter], because the President could utterly ignore it. He has the constitutional right to do that, and therefore it would be a mere brutum fulmen and would not have any other efficacy. Yet, on the other hand, if we adopt it I do not think the Constitution is being trampled under foot or that civil government on this hemisphere is being entirely destroyed; and therefore I wanted to get this legislation along, the point being that we want a judge over in Philadelphia to relieve that poor, perspiring, overworked judge over there who is undertaking to do the work that it requires three men to do.

Mr. MANN. Mr. Speaker, I ask unanimous consent that there be 30 minutes' debate on the motion of the gentleman from Alabama [Mr. CLAYTON], 15 minutes to be controlled by him and 15 minutes to be controlled by me.

Mr. PALMER. On which motion? Mr. Speaker, there is a request for unanimous consent pending now. The gentleman from Alabama has asked unanimous consent to vacate the order made.

The SPEAKER. The matter pending is the request of the gentleman from Alabama [Mr. CLAYTON] for unanimous consent to vacate the order by which this bill was considered in the House as in Committee of the Whole, to disagree to the Senate amendments, and ask for a conference.

Mr. MANN. But, Mr. Speaker, reserving the right to object, the gentleman from Alabama must see that it is not possible for me or many other Members of the House to agree by unanimous consent to disagree to the Senate amendments. That is an expression in favor of the original Cullop amendment, and therefore I am compelled to object.

The SPEAKER. The gentleman from Illinois objects, and the question is on agreeing to the first Senate amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 1:

Page 1, line 9, strike out all after the word "therein" down to and including "judge," in line 11.

Mr. MANN. Now, Mr. Speaker, I ask unanimous consent that there be 15 minutes' debate on each side of this amendment, to

be controlled jointly by the gentleman from Alabama and myself.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that there be 15 minutes' debate on each side of this amendment. Is there objection?

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, what does the gentleman mean by "on each side"? Does he mean pro and con?

Mr. CLAYTON. And he is to control the time on that side, and I on this side.

Mr. MANN. It would be under the 5-minute rule, anyhow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Alabama [Mr. CLAYTON] is recognized for 5 minutes.

Mr. CLAYTON. Now, Mr. Speaker, I have already made all the speech I care to make, I believe, except that I want to repeat that there is a poor, dying judge and nobody to discharge the duties of that high office; that one judge in this district wherein is the city of Philadelphia is undertaking to do the work of two judges. From undoubted testimony there is more work there than two men can do. This one remaining judge has worked unceasingly trying to do the work allotted to himself and to his sick colleague. He can not do that work. He is working now; he has worked without vacation; he has worked without rest; and the work is piling up, and our failure to provide for this additional judge in the courts of that district is tantamount to a denial of justice, because justice will be so long delayed and has been so long delayed in many of these cases as to amount to a denial of justice.

The SPEAKER. If any gentleman desires to oppose this amendment, the Chair will recognize him for five minutes.

Mr. MONDELL rose.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, on the 2d day of July, 1912—a year ago—a great political party met in Baltimore and there promulgated its platform. On that platform and by reason of several curious dispensations of Providence that party was successful at the polls. Among the declarations contained in that platform was the following:

> We commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

A commendation of the action of the Democratic House in adopting a provision which the gentleman from Alabama [Mr. CLAYTON] now proposes to strike from this bill. When the motion was offered to which the platform refers—offered, I believe, by the gentleman from Indiana [Mr. CULLOP]—the Democratic side, including, I presume, the gentleman from Alabama [Mr. CLAYTON], voted for it, and so received the commendation of their party and the plaudits of the people. But election day came and passed. The party was successful; and following time-honored Democratic precedents, the chairman of the Committee on the Judiciary, leader for the time being of his party, now proposes to turn his back upon the declaration of the party made in this House a year ago, which was commended by the party in its platform.

Mr. Speaker, I believe this provision is wise and salutary. I am for the provision, and I am against its being stricken from the bill, and I am amazed at my friend from Alabama that, having led his party in the support of this proposition, he now proposes to turn his back upon it because, forsooth, there is nothing to be gained to-day, the election having passed, in posing before the country as a believer in publicity.

But, Mr. Speaker, there are other elections coming, some quite imminent; and I rise to suggest to my Democratic friends that they at least ought to be consistent from one presidential election to another. At least they should be consistent longer than a single year on a proposition which they espoused with enthusiasm, for which they congratulated themselves in their party platform, and which they now propose to repudiate.

Mr. Speaker, I am against the striking out of the provision.

Mr. CLAYTON. I would like to be heard for five minutes.

The SPEAKER. The gentleman has three and one-half minutes left of his original five minutes.

Mr. CLAYTON. I think that in three and one-half minutes I can answer this amazing speech made by the professional amazer of the House. [Laughter.] I desire, in perfect good humor, to say, in the language of Artemus Ward, that the gentleman from Wyoming is an amoosin' cuss; not only an amazing one, but an amoosin' one.

Mr. Speaker, the gentleman from Wyoming amazes us as to where he gets his misinformation. On every subject save one the gentleman from Wyoming has more misinformation than any man I have ever seen in Congress. As a correlative of that, on one subject he has more information, and as a corollary to that he speaks oftener on that subject than any man I ever knew upon any subject; to wit, he knows more about birds and bird lore than any man that ever walked on God's footstool, and speaks oftener than anyone else on that subject. [Laughter.] When he talks about the gentleman from Alabama being a leader of his party and turning his back, "the gentleman from Alabama" desires to say that he has never aspired to be a leader of anybody or of any party anywhere, and if he has ever led anybody into error anywhere it has been some time when he has persuaded the gentleman from Wyoming to vote with him on some measure. The gentleman from Wyoming often votes with the gentleman from Alabama, and I am proud of that distinction. I like my good friend from Wyoming. He always talks with great freedom and with remarkable volubility, and sometimes manifests a degree of intelligence that is amazing to me. [Laughter.]

Now, Mr. Speaker, why this diatribe against the gentleman from Alabama? What has he done? He is merely trying to pass a piece of necessary, nonpartisan legislation; and the gentleman from Alabama repeats what he has long since said, that he does not care whether the Mann-Cullop amendment goes into this bill or not. The President could ignore it, if he wanted to, because it is an attempt to make him give publicity to executive secrets, and that has been tried before, and the Executive is always justified in withholding any secrets relating to his office, if incompatible with the public good.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. With pleasure.

Mr. MONDELL. Assuming that what the gentleman has said is all true, why did the Democratic Party congratulate itself or congratulate the House in its platform for doing just what we have now before us?

Mr. CLAYTON. I thank the gentleman for the suggestion. The Democratic Party, either in making platforms or in its action here, does not need his guardianship. We will take care of all that.

Mr. MONDELL. The gentleman has not answered my question.

Mr. MANN. He can not.

Mr. CLAYTON. What bearing has that upon this particular time? Does not that pertain to the stump?

Mr. MONDELL. Is it your claim that this amendment is unconstitutional? If it is, then your platform congratulated the Democrats of the House on an unconstitutional act.

Mr. CLAYTON. I was not passing on its constitutionality or unconstitutionality. I said you could not compel the President to do it, and under the present administration, if the President should publish everything he has relative to the appointment of judges by him, there would be nothing gained in a public way, because he is going to appoint only the best and most excellent men, for the best of reasons, to judicial office.

Mr. CULLOP. Mr. Speaker, I hope that the motion of the gentleman from Alabama [Mr. CLAYTON] will be voted down, as it should be, and I disagree with the gentleman from Alabama when he says that the passage of this amendment would not be binding upon the President of the United States. It would be binding upon him because it trespasses upon no prerogative of his, and as an American citizen I hope never to see a man in the White House who will trample under foot any law which is made to prescribe his conduct in any public matter.

I would like to have any gentleman upon the floor of this House opposing this amendment point out some good legal reason why the President of the United States could ignore this law if it was passed. What is there in this law that would give him the right to trample it under foot when he came to make an appointment and place a judge upon either the Supreme, the circuit, or the district bench of this country? What President of the United States would hesitate for a single moment to make public the indorsements which moved him in making a judicial appointment in this country? The public has a right to know, the people of this country have a right to know, what are the forces behind every appointment for office, behind every man who seeks to administer the law in this country, and I take it that the present President of the United States would hail with delight the right, crystallized into law, directing him as the Chief Executive of this Nation to make public the indorsements of every candidate who applied to him for appointment to an office. [Applause.]

Is there any candidate who is carrying to the White House indorsements appealing to the President of the United States to appoint him to a public office, to administer the laws of this great Government, who is ashamed to have his indorsements made public? If so, he is unworthy of the appointment and unfit to hold the office.

Is there an appointing power in this country or in any State which would try to shield from the public the indorsements attached to the petition of any candidate who has applied to him for appointment to an office? They say, Why should he do it? What is the benefit of this amendment? It is to protect the court from unjust criticism and it is to protect the appointing power from unjust criticism. If these indorsements are required by law to be made public it will do a great deal toward removing the criticisms which are now made against the courts of this country and made sometimes against the appointing power. That is the purpose of this amendment. It is to shield the appointing power. It is to shield the parties who obtain appointments from unjust criticisms, and it is the thing the public has a right to know—how and through what means some men obtain the appointment to office, who their indorsers are, and from what quarter they came, whether some great interest is moving behind them. That is the purpose of this amendment. It is a good purpose and one that will prove wholesome in the administration of justice.

My fellow Democrats, let me put this proposition to you: This administration is keeping its platform pledges. This is one of the platform pledges. A Democratic House within three months before the Baltimore convention met passed this amendment. Our duty is plain; we should keep the pledge and uphold the faith.

The SPEAKER pro tempore (Mr. HOUSTON). The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Speaker, I want two minutes more.

The SPEAKER pro tempore. The time has already been disposed of.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two minutes.

Mr. PALMER. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. Nine minutes in support of the motion to concur and five minutes in opposition to it.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman have two minutes more.

Mr. CULLOP. That is all that I want.

The SPEAKER pro tempore. Not to be taken out of the time already allowed?

Mr. MANN. Yes.

The SPEAKER pro tempore. Is there objection to the request for unanimous consent? [After a pause.] The Chair hears none.

Mr. CULLOP. Mr. Speaker, four months prior to the Baltimore convention this amendment was passed through this House upon two roll calls and was indorsed by the Democratic membership by an overwhelming majority. It was indorsed by the Democratic press of the country. It was indorsed by the Baltimore convention, the Democratic national convention, on the 2d day of last July. It was indorsed in this House when it was up before on a roll call, and it has been indorsed upon four different roll calls in a Democratic House. I ask you, my Democratic brothers, whether within so short a time after the Democratic administration has begun under the most auspicious circumstances, commanding the respect and confidence of the country, living up to the Baltimore platform pledges, whether a Democratic House now will repudiate one of the planks in the platform and vote it down? If you do, your constituency will rebuke you for the act when you return to your homes and ask a reindorsement at the polls. The Democratic Party ought to keep its pledges. It is bound by its promises to the public. To keep this pledge is one of the sacred pledges, and I ask you as Democrats to vote down the motion of the gentleman from Alabama and demonstrate to the people of the country your good faith. [Applause.]

Mr. PALMER rose.

Mr. MURDOCK. Mr. Speaker, is the gentleman opposed to the Cullop amendment or in favor of it?

Mr. PALMER. I am in favor of the Clayton motion.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Alabama to concur in the Senate amendment.

Mr. MURDOCK. Mr. Speaker, I would like to know how much time is remaining to those who are opposed to the motion of the gentleman from Alabama.

The SPEAKER pro tempore. Five minutes.

Mr. PALMER. Five minutes on each side?

The SPEAKER pro tempore. No; eight minutes on the other side. The gentleman from Pennsylvania is recognized for five minutes.

Mr. PALMER. Mr. Speaker, I am keenly interested in this bill to establish an additional judgeship in the eastern district of Pennsylvania, and I am strongly hopeful that it soon may become a law. It is an emergency matter of a most urgent character. The court in Philadelphia is in such a condition that if this bill is not soon passed it will be no exaggeration whatever to say that there will be an absolute denial of justice.

I regret more than I can say that this simple little emergency measure should be complicated and its passage endangered by the injection into it of this controversy about the publicity of the indorsement of judges in general. I attach so little importance to this so-called principle that I agree entirely with the gentleman from Alabama. I do not care whether the Cullop-Mann amendment goes into this bill or not. I am extremely anxious to have this judgeship for Pennsylvania, and I shall be satisfied if Pennsylvania gets it, whether publicity must be given to the indorsements or not. As for me, I propose to vote against the Cullop amendment, largely because I consider that it can have no possible effect whatever. I doubt the power of the legislative branch of the Government to control or impose conditions upon the right of the executive branch of the Government in making appointments to Federal positions. The power of appointment is strictly within the rights and prerogatives of the Executive. The President makes these appointments, by and with the advice and consent of the Senate. Congress, as such, can neither furnish advice nor withhold consent from such appointments, and if it may do this thing of hedging the Executive about with conditions regulating his appointments that is tantamount to a control of the appointments.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. PALMER. I can not yield in five minutes. If the amendment were ingrafted upon the bill it would be simply——

Mr. DONOVAN. The gentleman better let me ask a question rather than to have me make a point of no quorum.

Mr. PALMER. Very well, I yield to the gentleman on condition that no point of no quorum be made.

Mr. DONOVAN. I can not control the gentleman from Pennsylvania, let alone myself. Now, did anyone appear before the Judiciary Committee outside of the gentleman who is now addressing the House in favor of this emergency position of which he speaks?

Mr. PALMER. Yes. There was a committee of about 20 gentlemen from Philadelphia, practicing attorneys and judges in that district.

Mr. DONOVAN. You could have answered me yes or no.

Mr. PALMER. I am answering you yes, and I am telling you who it was.

Mr. DONOVAN. Now, the gentleman has misnamed this by calling it "emergency," because the judge is living. Why did he not call the attention of the Judiciary Committee to the case where the judge is dead, and there is no one to act, which would be more of an emergency case?

Mr. PALMER. It would not require any action on the part of Congress if the judge was dead.

Mr. DONOVAN. The gentleman is a Member of Congress and is doing his duty to the people of this country and ought to have those positions filled.

Mr. PALMER. I do not think that statement requires any answer. Evidently the gentleman from Connecticut is indorsing somebody for judge somewhere who has not yet been appointed. I wish him luck, and I hope the prospective judge whom he is indorsing will finally reach his place upon the bench and quickly reach it.

Mr. MOORE. Will the gentleman yield?

Mr. PALMER. I yield.

Mr. MOORE. Would not it be an answer to the gentleman from Connecticut [Mr. DONOVAN] to say that there is an emergency here in that the existing judge is utterly incapacitated and unable to perform the duties of the office?

Mr. PALMER. Yes. I have said that so many times that even the gentleman from Connecticut is fully aware of it.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. PALMER] has expired.

Mr. PALMER. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent for two minutes more. Is there objection?

Mr. MANN. That the time be extended.

The SPEAKER pro tempore. That the time be extended two minutes. Is there objection?

Mr. PALMER. It will not be necessary to extend the time.

Mr. MURDOCK. The gentleman says it will not be necessary to extend the time.

Mr. PALMER. The gentleman is on the other side.

Mr. MANN. That the time be extended two minutes.

The SPEAKER pro tempore. That was included in the statement of the Chair, namely, that the time be extended two minutes more.

Mr. PALMER. Mr. Speaker, I only want to say a word about the mention of this proposition in the Democratic platform. I am as strong a stickler as there is in this House or as there is in the country for the faithful redemption of party pledges. I believe that whenever a political party makes promises to the people as to legislation which it will enact if intrusted with power, it behooves the members of that party in legislative place to see that those pledges are carried out. But I do not construe the declaration of the Baltimore convention in reference to this matter as anything like a pledge of action on the part of the party, anything like a promise which calls for redemption by the party as a party. The Baltimore platform commended the principle of publicity of indorsements for public place and congratulated the House of Representatives upon the passage of a law——

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. PALMER. I really have not the time.

The SPEAKER. The gentleman from Pennsylvania declines to yield.

Mr. PALMER. I have only a minute. I just wanted to add this: That the effect of that platform declaration was that it withheld commendation from those gentlemen in Congress who had failed upon the one occasion when the matter was up to vote that way. There was no condemnation of them. There was no promise of legislation in the future. There was no pledge which would make it necessary for the party as a party to put this kind of legislation upon the statute books. A platform of a party may commend many things without binding individual members of the party to support those propositions. The matter is quite different when it comes to the statement of fundamental, vital principles of a great party, coupled with pledges to put those principles into statutory form in the shape of legislation. Therefore this so-called platform declaration or pledge gives me no concern, and I think that no Member should feel seriously about the matter when it is called into question with reference to a single bill of this kind.

Mr. MURDOCK. Mr. Speaker, I am opposed to the motion of the gentleman from Alabama [Mr. CLAYTON].

The SPEAKER. The gentleman is entitled to five minutes.

Mr. MURDOCK Mr. Speaker, we have here the old game of teeter-totter. This year for a proposition and next year against it! We have here also a rather remarkable change in the mood of the House on one occasion from its mood on another occasion. I saw the House debate this matter once with the greatest gravity. What a far cry it is from that condition of gravity in the House to the spirit of levity we have seen here to-day.

Now, what was the origin of the Cullop amendment, which, by the way, I want to say the gentleman from Indiana [Mr. CULLOP] has earnestly and sincerely and assiduously pressed from the time he first introduced it? His amendment was originally offered to a bill in this House relating to a judicial district in northern Illinois. At that time the whole country was engaged in a profound scrutiny of the judiciary. There was pending the impeachment proceeding against Judge Archbald. There was discussion from one end of the country to the other about the judiciary, its integrity, and what could be done with it to correct it in certain particulars. This House gave the most serious attention when the gentleman from Indiana offered his amendment, and particularly was attention given to it on the Democratic side by reason of the fact that William Jennings Bryan in the Commoner had made a notable utterance in favor of the idea, one that was quoted extensively editorially throughout the country and on the floor of the House. It did not appear ridiculous then. It was a matter of greatest moment, and when the vote was taken it stood—I have it here in my hand—151 in favor of the Cullop amendment and some 80 against it—almost two to one. Those of us who were not of the legal profession voted for the Cullop amendment because we believed it was a small step in the right direction. It certainly could not do any harm. But we were backed up in our judgment as to the merit of this proposition by many of the leading lawyers of this House.

Among the men who supported it was the gentleman from Alabama [Mr. CLAYTON], now the head of the Committee on the Judiciary. The record shows that the gentleman from Pennsylvania [Mr. PALMER] also supported the proposition. We found plenty of support in that day from the lawyers in this body.

Now, a year passes. Meanwhile the Democratic Party has included an indorsement of this proposition in its platform. Another judiciary bill comes up, one relating to a district in Pennsylvania, and who offers the Cullop amendment this time? The gentleman from Illinois [Mr. MANN]. And he frankly says he does not believe in it. He is putting it up here in order to embarrass the Democrats.

Now, I am one who, regardless of any partisan feeling in this matter, believes in the Cullop amendment. I believe that no harm will come to this country if the President shall make public the indorsements of the man he appoints to a place on the Federal bench. It is a life place. It is a place of supreme power. The President and the Senate alone have the choice.

Mr. DIES. Mr. Speaker, will the gentleman yield to me for a question?

Mr. MURDOCK. There is a widespread belief, I will say to the gentleman from Texas [Mr. DIES], that certain influences have had at times in the past more than their due weight in recommendations. Now, I will ask the gentleman from Texas what good reason is there for not making public those indorsements?

Mr. DIES. I was asking the gentleman if he would allow me to ask him a question.

Mr. MURDOCK. I will say that there is no good reason why these indorsements should not be made public.

Mr. MANN rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. How much, Mr. Speaker?

The SPEAKER. Three minutes. That is all there is left.

Mr. MANN. I thought there was more than that.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. The gentleman from Pennsylvania [Mr. PALMER], as I recall, had two minutes which were not to be taken out of the time.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I would like to be notified after I have spoken two minutes and a half. Another gentleman from Pennsylvania desires to be heard.

Mr. Speaker, I do not know that I can blame my distinguished friend from Pennsylvania [Mr. PALMER] for saying that the Democratic platform does not mean anything [laughter on the Republican side], and was not intended to. The gentleman from Kansas [Mr. MURDOCK] says that the House was in a spirit of levity. I do not know whether that is the truth or not, whether the House was acting in a spirit of levity or otherwise. I thought the House was quite serious on this subject.

I would like to suggest to my friend from Kansas [Mr. MURDOCK] that if he thinks a man has to look solemn and glum in order to be serious, the gentleman from Kansas can seldom qualify, because with that smiling countenance of his the people would think he was acting in the spirit of levity all the time. [Laughter.] The House is serious on this proposition. The Democrats are wondering how they are going to get out of the hole. The gentleman from Alabama [Mr. CLAYTON] moves to concur in the Senate amendment. He does not expect the motion to prevail. Gentlemen on the other side will all go home and each one will say, "We had another vote, and I voted to sustain the Democratic platform and make public all these indorsements." Then the bill goes to conference, and the conferees come back and this amendment is agreed to, cutting out this language, and the next amendment disagreed to, providing for an additional judge in Virginia. Then each of the gentlemen will say, "Oh, I had to vote on both propositions at once. I was not willing to add a new Federal judge, so that I had to stifle my conscience about the platform and vote to cut out this amendment." [Laughter on the Republican side.]

Now, my distinguished friend from Indiana [Mr. CULLOP], who introduced the amendment, and the gentleman from Kansas [Mr. MURDOCK], who favors it, go in for an amendment to instruct the conferees as soon as they are appointed, so that this can not be done. But will they do it? That is the only way really to test the sense of the House.

I am satisfied that the conferees will not agree to this amendment, because I have too much faith in their good judgment to believe that they will endeavor to perpetrate such a crime upon the country. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] is recognized for two and one-half minutes.

Mr. MOORE. Mr. Speaker, I am hopeful that some day the Democratic Party will be as fair to the people as many of its representatives are now undertaking to be fair to themselves in this House. The Democratic platform at Baltimore set up the pretense of demanding publicity in the matter of indorsements of presidential appointees. It was an unwarranted reflection

upon a Republican administration, which is now coming home to plague a Democratic administration. Crying "Publicity, publicity, publicity," in the platform at Baltimore, Democrats in the House are now seeking to avoid publicity in the matter of indorsements in relation to judicial appointees to be named by a Democratic President. It is evidence of a desire upon the part of Representatives to get away from the "bunk" that has been practiced upon the people in this and other respects after its effects in the campaign no longer apply.

In the Democratic caucus, despite the publicity platform at Baltimore, a tariff bill was prepared and passed. It was a party measure considered in secret without a single hearing to those whose interests were directly concerned. In this instance publicity did not pertain.

Again this morning, as for several days past, we had an attempted concealment by the majority of a display of facts and particulars in the Diggs-Caminetti case. Unmindful of the Baltimore publicity plank, there was an intense desire on the part of the other side of the House not to have laid conspicuously before the country the revolting particulars in this sensational white-slave traffic case.

Now we are to be hindered in the appointment of a judge because of differences in the ranks of the majority as to the propriety of publishing the indorsements to a Democratic President of candidates for a judgeship. Will the people ever be made to understand the difference between this sort of party pledge and party performance?

Now, it makes no difference to me whether the Cullop amendment, demanding publicity, or the so-called Mann amendment, which holds the Democratic Party up to its platform pledge, remains in the bill or not; the bill ought to pass. It is meritorious and should be treated by us in a deliberate manner, according to the necessities of the situation and without regard to politics. Personally I oppose the Cullop or Mann amendment. It was attached to the bill to test the sincerity of the Democratic Party, but it is unnecessary and is merely in consequence of a pretense to do something for the people for political effect.

I do not believe it was intended that we, as legislators, should embarrass every act of the Executive or should assume, because of public criticism, that the Executive or any other administrative officer is to be continually suspected of a desire to break the law. In this instance we are called upon to exercise our deliberate judgment with respect to the filling of a position upon the bench which is virtually vacant because of the utter incapacity of a judge. I do not believe in opposing this appointment, nor do I think, as Republicans, we should embarrass the Executive because his appointee may be a Democrat. Under existing circumstances, the people having elected a Democratic administration, it is fair that a Democrat should be appointed. We need this judge in the eastern district of Pennsylvania because of the exigency of business. It is not a time to cavil or to raise the point of no quorum. The passage of this bill is demanded in the interest of justice and the orderly transaction of business.

The SPEAKER. The time of the gentleman from Pennsylvania has expired. All time has expired.

Mr. DIES. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the current amendment.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. DIES. Mr. Speaker, I am surprised that the gentleman from Indiana [Mr. CULLOP] should again bring forward this amendment. This proposition is, in effect, identical with the original Cullop amendment introduced in the Sixty-second Congress. At that time I discussed upon the floor of the House the constitutionality and merits of this amendment. I have not the present amendment before me, but the original was in these words:

> Hereafter, before the President shall appoint any district, circuit, or supreme judge, he shall make public all indorsements made in behalf of any applicant.

Mr. Speaker, the powers of our Government are divided into three branches by the Constitution, the legislative, the judicial, and the executive. The power to appoint Federal judges is conferred upon the Executive, by and with the advice and consent of the Senate, by the express terms of section 2 of Article II of the Constitution in these words, referring to the power of the President:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such interior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Mr. Speaker, it is always difficult to find precedent for the establishment of a position which is so clear as never to have been challenged from an authoritative source. However, if the House will indulge me, I think I can make it perfectly clear that the Cullop amendment is as repugnant to the Constitution as theft is to the Ten Commandments.

The appointive power, so far as concerns a consideration of this proposition, is exclusively vested in the President. True, the Constitution provides that the appointive power, as relates to inferior officers, may be vested in the courts of law or heads of departments. The Congress has not seen proper to so vest the appointment of these inferior officers, and if it should enact a provision transfering the appointive power to courts of law or the heads of departments such appointive power would be as exclusive in them as it is now in the President.

That this appointive power is exclusive and not subject to limitations other than prescribed by the Constitution itself has been the opinion of all our Presidents, as far as they have given expression to their views, and no other branch of the Government has ever successfully challenged or seriously controverted the correctness of that view.

The power conferred by the Constitution upon the President to appoint Federal judges is embraced in the same article and section with the provision that the President shall appoint foreign ministers. The power to appoint in the case of the minister is, of course, as exclusive as in the case of the judge. The first attempt of the House of Representatives to encroach upon the powers of the President conferred by the terms of this provision of the Constitution occurred on the 24th of March, 1796, during President Washington's second term of office. On that day the House passed a resolution requesting the President to lay before the House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with such correspondence and documents as might not be improperly disclosed. President Washington declined to comply with the resolution because, as he said:

> It is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty.

Mr. Speaker, the Constitution gives the President the power to nominate and, by and with the advice and consent of the Senate, to appoint these officers. In 1834 President Andrew Jackson nominated certain directors of the Bank of the United States, and these nominations were rejected by the Senate. In a message to the Senate upon the subject President Jackson said:

> I disclaim all pretension of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other and both responsible to their respective constituents.

Mr. Speaker, if the Senate, clothed with the power to advise with the President in regard to appointments, and to reject them, has not the power to call in question the reasons which actuated the President, how can it be for a moment contended that the House possesses any such power?

In another case of disagreement arising between President Jackson and the Senate the President said in a message to that body:

> The executive is a coordinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of departments acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversations I have held with those officers on any subject relating to their duties and my own.

If this is a different case, it must be conceded to be a much stronger one than the Cullop amendment, for Cabinet officers are not constitutionally provided for as such, but are created by acts of Congress under the Constitution.

President Tyler so clearly defines the powers of the several branches of Government in respect of the subject matter of the Cullop amendment that I shall insert the whole of his message to Congress upon the question:

> WASHINGTON, D. C., *March 23, 1842.*
>
> *To the House of Representatives of the United States:*
>
> A resolution adopted by the House of Representatives on the 16th instant, in the following words, viz, "*Resolved*, That the President of the United States and the heads of the several departments be requested to communicate to the House of Representatives the names of such of the Members, if any, of the Twenty-sixth and Twenty-seventh Congresses who have been applicants for office, and for what offices, distinguishing between those who have applied in person and those whose applications were made by friends, whether in person or by writing," has been transmitted to me for my consideration.

If it were consistent with the rights and duties of the executive department, it would afford me great pleasure to furnish in this, as in all cases in which proper information is demanded, a ready compliance with the wishes of the House of Representatives. But since, in my view, general consideration of policy and propriety, as well as a proper defense of the rights and safeguards of the executive department, require of me, as the Chief Magistrate, to refuse compliance with the terms of this resolution, it is incumbent on me to urge for the consideration of the House of Representatives my reasons for declining to give the desired information.

All appointments to office made by a President become, from the date of their nomination to the Senate, official acts, which are matter of record and are at the proper time made known to the House of Representatives and to the country. But applications for office or letters respecting appointments or conversations held with individuals on such subjects are not official proceedings and can not by any means be made to partake of the character of official proceedings unless, after the nomination of such person so writing or conversing, the President shall think proper to lay such correspondence or such conversations before the Senate. Applications for office are in their very nature confidential, and if the reasons assigned for such applications or the names of the applicants were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter would be made public at a vast consumption of time, money, and trouble, without accomplishing or tending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the Government in any of its branches.

But there is a consideration of a still more effective and lofty character which is, with me, entirely decisive of the correctness of the view that I have taken of the question. While I shall ever evince the greatest readiness to communicate to the House of Representatives all proper information which the House shall deem necessary to a due discharge of its constitutional obligations and functions, yet it becomes me, in defense of the Constitution and laws of the United States, to protect the executive department from all encroachment on its powers, rights, and duties. In my judgment, a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the Constitution has conferred exclusively on the Executive, and therefore such compliance can not be made by me nor by the heads of departments by my direction. The appointing power, so far as it is bestowed on the President by the Constitution, is conferred without reserve or qualification. The reason for the appointment and the responsibility of the appointment rest with him alone. I can not perceive anywhere in the Constitution of the United States any right conferred on the House of Representatives to hear the reasons which an applicant may urge for an appointment to office under the executive department or any duty resting upon the House of Representatives by which it may become responsible for any such appointment.

Any assumption or misapprehension on the part of the House of Representatives of its duties and powers in respect to appointments by which it encroaches on the rights and duties of the executive department is to the extent to which it reaches dangerous, impolitic, and unconstitutional.

For these reasons, so perfectly convincing to my mind, I beg leave respectfully to repeat, in conclusion, that I can not comply with the request contained in the above resolution.

JOHN TYLER.

Mr. Speaker, an attempt was made by the Senate during the first term of President Cleveland to encroach upon the constitutional powers of the Executive in very much the same fashion as proposed by the Cullop amendment. That attempted usurpation was combated by every Democrat who sat in that body. Among the Democratic Senators who then combated this doctrine, I may mention Coke and Maxey, of Texas; Pugh, of Alabama; Vest, of Missouri; and Jackson, of Tennessee, who later became an associate justice of the Supreme Court of the United States. Time forbids me to quote from all of the speeches and reports of these learned expounders of the Constitution, but at the risk of tiring the House I shall read from the speech of Senator Coke, of Texas.

Senator Coke said:

Think for a moment, Mr. President, of the condition in which the President would be placed under the operation of the rule laid down by the Senator from Vermont. The President has vested in him all the executive power of the Government—that power which enforces the laws and appoints and removes officers. Who would write to the President recommending the removal of a dishonest officer; who would write him of suspicions that an officer was faithless; who would write him warning him against a bad man seeking an appointment; who would advise him of anything going wrong, if all these letters were to be open to the public and liable at any time upon the suggestion of partisan malice to be published to the world? The President would be isolated; his sources of information would be cut off, and his efficiency as an executive officer greatly impaired. In all our courts certain confidential communications are protected on grounds of public policy, and where is a higher public policy than that which protects the President in withholding his private and personal papers from the public gaze when through that means the entire executive department of a great government receives increased vigor and efficiency?

In refusing courteously but firmly to deliver upon demand of the Senate papers referring to the suspension of officers, a matter resting solely within the discretion of the President, with which the Senate has no concern and over which it has no jurisdiction, and in refusing to deliver copies of private, unofficial, and personal papers, while tendering to the Senate promptly all public and official papers and documents in the departments, the President has walked in the path trodden by all his predecessors. George Washington, the first President, established the first precedent in a similar case, and the record has been read in this debate to establish it.

Andrew Jackson more than once maintained the prerogatives of the presidential office by refusing to comply with demands of the same character, and John Tyler and President Grant, and even Mr. Hayes, all in notable instances, the records of all which have been read in this debate by the Senator from West Virginia [Mr. Kenna], have done just what Mr. Cleveland has done so well in this case. Mr. Cleveland has illustrious company and an unbroken line of precedents to support him. The chairman of the Judiciary Committee, with all his ability and research, and although challenged by the Senator from Alabama [Mr. Pugh] to produce an instance in which a demand like this upon President Cleveland has been acceded to by a President of the United States, has failed to find one. He has not shown a single one. All such demands have from the beginning of this Government, the time of Washington, been repelled as invasions of the executive domain without a single exception. Whenever the question has been made it has been decided as Mr. Cleveland has determined it.

Mr. Speaker, in all the discussions of the Cullop amendment, either upon the floor of the House or in the press, there has never been offered in support of its constitutionality a single precedent, decision, or suggestion from an authoritative source. In view of the fact that the author and supporters of this amendment have been repeatedly challenged for some authority in support of its soundness, I feel justified in concluding that they have failed to produce such authority because of the fact that none such exists.

I shall therefore feel justified, in the absence of some respectable precedent or authority in support of this amendment, in continuing to entertain the opinion that it was brought forward in the first instance and is resurrected now in obedience to that ignorant and impatient clamor against the Constitution of the United States which manifests itself with most violence in those quarters where that instrument is least understood.

I have not attempted a discussion of the merits of the Cullop amendment, if it has any. It has been my purpose to show that it is an attempted violation of the law—the organic law, the highest law of the land. As a Member of Congress, I have taken an oath to support this Constitution, which the Cullop amendment proposes to violate. Therefore if the Cullop amendment was otherwise a wholeome measure, I would not violate my oath of office by voting for it. But, Mr. Speaker, it is not only unlawful, it is unwholesome as well. When the makers of the Constitution divided the powers of government into three coordinate branches their purpose was to head off despotism and safeguard the rights and liberties of the people. The love of power, of prerogative, is among mankind universal. That is not only true of our time and our people but of all time and all peoples.

Samuel Johnson, the great philosopher, has very truly observed that few men desire to take human life, but that a very great number covet the power.

I know of no better way to make clear the wisdom of checking and balancing power than to quote the words of James Madison:

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of the attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government, which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

The wisdom of dividing the powers of government among several bodies of magistracy has long been recognized as an indispensable check upon despotism. Montesquieu, that great economist from whom the founders so largely drew wise inspiration, made these sage observations upon this question:

When the legislative and executive powers are united in the same person or in the same body of magistrates there can be no liberty, because apprehension may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.

Again, there is no liberty if the judiciary power be not separated from the executive and legislative. Were it joined with the legislative the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power the judge might behave with violence and oppression.

There would be an end of everything were the same man or the same body, whether of the nobles or the people, to exercise those three powers—that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

Most kingdoms in Europe enjoy a moderate government, because the prince who is invested with the two first powers leaves the third to his subjects. In Turkey, where these three powers are united in the Sultan's person, the subjects groan under the most dreadful oppression. In the Republics of Italy, where these three powers are united, there is less liberty than in our monarchies.

Thomas Jefferson, the author of the Declaration of Independence, was in vigorous accord with this view, as may be seen from the following from his pen:

An elective despotism was not the Government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among the several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others. For this reason that convention which passed the ordinance of government laid its foundation on this basis, that the legislative, executive,

and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time.

To the same effect was the declaration of Mr. Madison that—

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Abraham Lincoln fully agreed with the founders, as may be seen from this declaration from his first inaugural address:

A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people.

Mr. Speaker, the wisdom of the constitutional division of powers between the branches of government is so apparent, and has been so long undisputed, that I could fill a volume from the writings of our great statesmen and patriots. But lest I tire the patience of those who do me the honor to follow this discourse, I shall content myself with but another such quotation, and that from President James K. Polk, in these words:

Congress, and each House of Congress, hold under the Constitution a check upon the President, and he, by the power of the qualified veto, a check upon Congress. When the President recommends measures to Congress he avows in the most solemn form his opinions, gives his voice in their favor, and pledges himself in advance to approve them if passed by Congress. If he acts without due consideration, or has been influenced by improper or corrupt motives, or if from any other cause Congress, or either House of Congress, shall differ with him in opinion, they exercise their veto upon his recommendations and reject them; and there is no appeal from their decision but to the people at the ballot box. These are proper checks upon the Executive, wisely interposed by the Constitution. None will be found to object to them or to wish them removed. It is equally important that the constitutional checks of the Executive upon the legislative branch should be preserved.

What, then, Mr. Speaker, is the excuse for this attempted violation of the Constitution which we have each taken an oath to support? The gentleman from Indiana [Mr. CULLOP], who is the author of this amendment, should be qualified to explain its purpose. He said:

Let me put this question. There is unrest in the public mind to-day. Forget not the force and effect it is exercising throughout the Republic. It is better to satisfy public demand than to disregard it.

Mr. Speaker, I do not believe for an instant that intelligent public opinion anywhere in the United States demands the passage of this amendment. If any such demand exists among the people anywhere, it is because they have been misled as to the illegality of this proposition and misinformed as to the necessity urged for its passage. It is inconceivable to my mind that any citizen should demand of a Representative the doing of a thing which he is forbidden to do by his oath of office. Nor do I perceive how public opinion, should it ever become so blind and violent, could expect honest government and wholesome reform at the hands of Members of Congress who could be terrorized into a violation of their oaths to support the Constitution.

This resolution carries with it the false and sinister suggestion to the American people that all is not well at the White House in the matter of appointing Federal judges.

Coming from the people's most direct representatives at the National Capital, such an imputation, if allowed to go unchallenged, is calculated to shake public confidence in the Presidency. This sinister and illegal assault by suggestion was first made while William H. Taft was President. Ex-President Taft needs no eulogy at my hands. The historian will write him down as an able and patriotic statesman. He was probably more careful in the selection of Federal judges than any one of his illustrious predecessors; and, in my judgment, did as much, if not more, to improve the personnel of the judiciary than any President before him.

This resolution makes its second advent during the first term of President Woodrow Wilson, in whose patriotism and integrity the American people, without regard to politics, have implicit confidence. What, then, is the excuse for it unless it be an attempt to create prejudice among illiterate constituencies?

Mr. Speaker, the great officers of this Government are imbued with honesty and patriotism, and so they have been since the foundation of the Government.

That abuses have crept into the state I will not deny. And what government, past or present, has been free of abuses? Our Government has grown rapidly; our natural resources have surpassed in richness anything the world ever knew; and the result has been quick development, the colossal and dangerous concentration of wealth, carrying in its train many evils and abuses which it becomes the duty of wise and patriotic legislators to correct. But the foundation of the structure is sound and stable. The Constitution, generally broad enough for all wise reform, carries in its provisions a means of amendment if found insufficient.

If there has grown up a distrust of our system and its workings, it has been due not to defects in the Constitution but to the tardy use of the powers of the Constitution in effecting reform.

Mr. Speaker, if public opinion demands that the President be no longer trusted to exercise his constitutional duties in appointing to office without limitations by Congress, then let us take steps to amend the Constitution, not violate it.

To my mind this is a large and a serious question. I am not concerned with the effect it would have on the present occupant of the Presidency should it pass. Like Washington, Madison, and Jackson, President Wilson would rebuke our impertinence and go right along discharging his constitutional duties in disregard of the Cullop infraction. But the mischief lies in the attempt of this proposition to feed and fatten the ignorance and passions of certain elements in our country who look upon our flag as an emblem of oppression, upon Congress as the tool of lobbyists, and who regard the Presidency and the Supreme Court as being in sympathy, if not in collusion, with criminal wealth. If I believed that either branch of this Government was corrupt I would despair for the cause of free government. But I know, Mr. Speaker, as does the author of this amendment, that venality in high place does not exist in either branch to such an extent as to have any effect upon legislation.

But venality is not the only foe of free government. The people must have confidence in their agents, and those agents most possess the courage to deal candidly with the people.

To those gentlemen who seek to establish themselves as friends of the people by constantly inveighing against imaginary abuses I would commend the words of the great Chinese sage, Confucius:

The requisites of government are that there be sufficiency of food, sufficiency of military equipment, and the confidence of the people in their ruler. If it can not be helped, and one of these must be dispensed with, let it be military equipment. If one of the remaining must be dispensed with, part with food. From of old death has been the lot of all men; but if the people have no faith in their rulers, there is no standing for the state.

God forbid that the men who guide this Republic should ever be touched with the leprous hand of venality or that the people should ever be brought to lose confidence in faithful public officials by the vaporings of shifty demagogues.

Mr. HARDY. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, I propose to vote for this so-called Cullop amendment. In fact, as it passed the House in this bill I believe it was partly worded by me. I am not proposing to compare records as to demagogy with anybody. I propose to vote for this amendment because I believe that in this age and time we, as the representatives of the people, are more and more in favor of giving to the people the full knowledge of all the motives that govern our actions. At one time I had some doubt as to whether we had the right to demand of the President publicity of the indorsements for his appointments, but I believe that under the oath of the President to support the Constitution of the United States, and under his obligation to support all laws in pursuance of the Constitution, if we pass a law requiring that he give publicity to the indorsements of those whom he appoints to the judiciary, under that law he will obey his oath and make public such indorsements. And I believe the time has come when the public has the right to know and ought to know what motives, influences, and powers are back of every appointment. As the gentleman from Indiana [Mr. CULLOP] has said, it does no harm to the President to give out such indorsements. No man appointed to office should be ashamed of his indorsements or wish to have them kept secret, and if he does wish them kept secret or is ashamed of them we ought that much the more to know them. For my part I believe in the law. I believed in it when we first passed it in this House, and believe in it now. I believe it is right in principle as well as in party policy.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the motion of the gentleman from Alabama [Mr. CLAYTON] to concur in the Senate amendment striking out the so-called Cullop amendment.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MURDOCK, Mr. CLAYTON, and Mr. MANN demanded a division.

The SPEAKER. The gentleman from Illinois demands a division.

Mr. CLAYTON. I demanded it too, Mr. Speaker.

The SPEAKER. The gentleman from Illinois, the gentleman from Alabama, and the gentleman from Kansas all demanded it.

The House divided; and there were—ayes 49, noes 88.

Accordingly the motion to concur was rejected.

Mr. CULLOP. Now, Mr. Speaker, I understand that that motion being lost, it is equivalent to a vote that the House disagree to the Senate amendment. Is that the result?

The SPEAKER. That vote is equivalent to disagreeing to the Senate amendments.

Mr. CULLOP. Mr. Speaker, I move that the conferees appointed on the part of the House be instructed to adhere to the amendment of the House.

Mr. MANN. This is not the time to make that motion.

Mr. CULLOP. I understand that the proper time to make that motion is between the time of voting to send the bill to conference and the appointment of the conferees.

The SPEAKER. But there has been no motion for the appointment of conferees.

Mr. UNDERWOOD. Mr. Speaker, I understand that the proper time for the gentleman's motion is after the House has agreed to the conference and before the conferees are appointed.

Mr. CULLOP. I understand that this vote is equivalent to ordering a conference.

The SPEAKER. No conference has been provided for, and nobody can guess that it ever will be.

Mr. CULLOP. Now, Mr. Speaker, I move that a conference be asked, and that the conferees be instructed——

The SPEAKER. The gentleman is premature in making that motion. There is another amendment.

Mr. CLAYTON. There is another amendment upon which I desire the action of the House.

Mr. MANN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. I was only going to help out the gentleman from Indiana.

Mr. CLAYTON. I move that the House disagree to the second amendment of the Senate.

The SPEAKER. The gentleman from Alabama moves to disagree to the second amendment of the Senate.

Mr. CLAYTON. That relates to the additional judgeship in West Virginia.

Mr. MANN. I ask to have that amendment reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add a new section to read as follows:

"SEC. 3. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional circuit judge for the fourth circuit, who shall receive the same salary as other circuit judges now receive, and shall reside within the said fourth circuit: *Provided*, That the office of circuit judge to which Robert W. Archbald was originally appointed is hereby abolished and no successor shall be appointed to fill said office."

The SPEAKER. The question is on the motion of the gentleman from Alabama to disagree to the Senate amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 122, nays 9.

So the Senate amendment was disagreed to.

Mr. CLAYTON. Mr. Speaker, I now move that a conference be asked for on the disagreeing votes of the two Houses, and the conferees be appointed upon the part of the House.

The motion was agreed to.

Mr. CULLOP. Mr. Speaker, I think that I am not premature in rising to make my motion at this time.

The SPEAKER. The Chair announces the following conferees——

Mr. RODDENBERY. Mr. Speaker, one moment—a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. If the gentleman desires to be recognized to instruct the conferees, should he not be recognized at this time?

Mr. MANN. Undoubtedly; Mr. Speaker, it will be too late to instruct conferees after they are appointed.

Mr. RODDENBERY. If the conferees are announced, would not the point of order lie against the motion of the gentleman from Indiana?

The SPEAKER. That is correct. The gentleman from Indiana is entitled to recognition at this time.

Mr. CULLOP. Mr. Speaker, I move that the conferees be instructed to adhere to the disagreement of the House to Senate amendment No. 1.

Mr. DIES. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. Mr. Speaker, before the Chair announces the result of his count I would like to have the attention of the gentleman from Texas. I would suggest to the gentleman that he could make the point of no quorum after we have had a vote upon the motion of the gentleman from Indiana, and it would be just as effective then as if it were made now.

Mr. DIES. Mr. Speaker, that is correct. "I thank thee, Roderick, for the word." I only want to be sure of my point of no quorum against this political excrement. I withdraw the point of order for the present.

The SPEAKER. The gentleman from Texas withdraws his point of order of no quorum, and the question is on the motion of the gentleman from Indiana that the conferees on the part of the House be instructed to adhere to the action of the House in disagreeing to the Senate amendment No. 1.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Is not the motion of the gentleman from Indiana debatable? I desire to be heard upon it for a moment.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. BARTLETT. Mr. Speaker, it is unusual, it is extraordinary, it occurs to me, in the first instance, especially after the House has voted its wishes in reference to Senate amendments, to instruct its conferees. There certainly ought to be, and there usually is in the ordinary and usual—I will not say decent—course of parliamentary intercourse between the two bodies, opportunity for at least one free conference. The Senate would be justified, Mr. Speaker, I think, in refusing to have a conference in the first instance if the House should send its conferees over bound hand and foot. We have had some such occurrences in my experience in the House. I do not recall the bill, but I remember one instance where under similar circumstances the Senate declined to meet the House conferees until they had had an opportunity for a full and free conference upon the bill. It is presumed after this vote has been taken upon this amendment that the conferees will carry out the will of the House as expressed by its vote, and we ought not in the first instance, Mr. Speaker, both out of regard for the gentlemen, our own Members who will represent us, and out of regard also for the usual courtesy of full and free conference between the two Houses, to instruct our conferees at this time. It is unusual to do so. It is true that this amendment is an unusual amendment. It is true that there are many of us who do not agree with this unusual and extraordinary amendment. In my opinion, if it was adopted by both the House and Senate the President would be justified in not paying any attention to it and in disregarding it entirely. I shall not discuss that question at this time. I simply rose to call the attention of the House to what is proposed by this unusual effort to instruct the conferees.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. DIES. I would like to ask the gentleman from Georgia if all the authorities, beginning with the organic law down to the present time, do not declare in unequivocal terms, wherever touched upon, that an amendment in the terms of the Cullop amendment is violative of the terms of the Constitution?

Mr DYER. Mr. Speaker, a parliamentary inquiry.

Mr. BARTLETT. Mr. Speaker, I have the floor, and I have no desire to be interrupted by a parliamentary inquiry. Mr. Speaker, I did not discuss that question, because, in my opinion, we have passed beyond that stage of it. Upon a roll call on two separate occasions I voted against this amendment, and I am prepared upon all occasions to vote against the amendment or one of like character. I agree with the gentleman from Texas.

Mr. Speaker, I was endeavoring, if I could, to answer the gentleman from Texas [Mr. DIES]. I agree with him thoroughly that any effort of this sort is an encroachment by the legislative branch on the powers of the Executive. That is the main reason, and the chief reason, why I have always voted against it. I did not, as I say, undertake to discuss that matter, because I wanted the House, before it voted on the motion of the gentleman from Indiana [Mr. CULLOP], to instruct the conferees——

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. BARTLETT. I yield.

Mr. GARRETT of Texas. If this amendment had been proposed by the Senate instead of the House, would it have been an encroachment on the executive department?

Mr. BARTLETT. I think so. I do not think it makes any difference by which branch it is proposed.

Mr. GARRETT of Texas. Does not the gentleman know that the Senate calls every day for papers to be sent over there by the Executive?

Mr. BARTLETT. Yes; I know. I know that President Cleveland, in 1886 or 1887, declined to furnish to the Senate this very kind of information, and that question when submitted to the Committee on the Judiciary, composed of such men as Edmunds, Hoar, Vest, George, and Pugh, investigated it thoroughly, and that a majority of the committee of the Senate reported that the Senate had not any power to compel the President to furnish this information.

Mr. CULLOP. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to proceed——

Mr. MANN. Is not the gentleman entitled to an hour, inasmuch as he has taken the floor?

Mr. BARTLETT. Mr. Speaker, I have said all I desire to say.

Mr. FOSTER. Mr. Speaker——

The SPEAKER. The Chair thinks the gentleman was entitled to an hour.

Mr. BARTLETT. Mr. Speaker, I reserve the balance of my time.

Mr. FOSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. Was it not the understanding that the amendments were to be considered in the House as in the Committee of the Whole?

Mr. MANN. The report of the conferees is never considered in the Committee of the Whole. The Committee of the Whole can not ask for a conference.

Mr. BARTLETT. I yield 10 minutes to the gentleman from Texas [Mr. DIES].

Mr. FOSTER. I understand that. It was to be considered in the House as in the Committee of the Whole.

The SPEAKER. The Chair will state to the gentleman from Illinois [Mr. FOSTER] that the House had gotten through with the consideration of the bill.

Mr. DIES rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. DIES. The gentleman from Georgia [Mr. BARTLETT], having been recognized for an hour and not having used his time, yielded 10 minutes to me.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] reserved his time, and the Chair recognized the gentleman from Illinois [Mr. FOSTER].

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is not the gentleman from Alabama [Mr. CLAYTON] entitled to the time?

The SPEAKER. He undoubtedly is if he would reserve his right. [Laughter.]

Mr. CULLOP. Mr. Speaker——

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. CLAYTON. He is now?

The SPEAKER. He is now.

Mr. CLAYTON. Then I am happy. [Laughter.]

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] is recognized for an hour.

Mr. CULLOP. Mr. Speaker, I have never been able to understand upon what authority either the gentleman from Texas [Mr. DIES] or the gentleman from Georgia [Mr. BARTLETT] asserts that no President has ever recognized this demand. The gentleman from Texas and the gentleman from Georgia overlooked the Constitution in this case. The President of the United States could not appoint this judge unless he was given authority to do so by a statute here. This Congress can authorize the Attorney General of the United States by a statute to appoint this judge, and the President would have nothing to do with it under the Constitution. We construe the Constitution as it is written and not as somebody would have it written. [Applause.]

This is a statutory office, and Congress has the power to say under a clause of the Constitution how this judge shall be appointed and what officer shall appoint him. Congress has the power to say that yonder court which sits midway between this House and the Senate of the United States shall be authorized to name every Federal judge of every inferior court in this country without the action of the House or of the Senate of the United States. Congress has the right to say that the head of any department in this Government can appoint this or every other judge except the judges of the Supreme Court, with or without confirmation by the Senate. That is the Constitution of our country, and able constitutional lawyers had as well begin to read it as it is written and as it has been construed.

Mr. Cleveland, when President, recognized this right, and I challenge gentlemen upon this floor to show a single instance in the 135 years of the history of the American Republic where a single President has ever challenged this right or denied this power. [Applause.] Oh, they mistake the constitutional provision for removal and treat it as the one for appointment of officials. These two provisions are entirely dissimilar.

The Constitution of our country clothes the President with the exclusive power of removal, and the courts and the Chief Executives have always guarded that power, but no court or President ever challenged the right of Congress to do what Congress is doing here to-day on this question. When the civil tenure of office act was passed, Andrew Johnson or no other man in the Senate or House ever challenged it upon the ground of the principle incorporated in this amendment. But it was challenged on the proposition concerning the removal from office, and very properly so.

Mr. DIES. Will the gentleman yield for a question?

Mr. CULLOP. In a minute. Andrew Johnson escaped impeachment because the civil tenure of office act attempted to take from the President the exclusive right of removal from office, and therefore was depriving him of this constitutional guaranty. Read the debates. Why, you can take the cases in which Presidents have acted from the beginning of the Government down, and I defy any gentleman to point to a single instance in which the Presidents have refused to make publicity of this question when it was asked of them in a proper way.

Mr. DIES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. CULLOP. Not now. Let me refer to the Cleveland case in Alabama. The gentleman from Alabama [Mr. CLAYTON] wants to be right, I know, but sometimes in an overenthusiastic spirit he gets wrong, and he got wrong in this case. Listen, gentlemen, and I will give you the facts about that case. In that Alabama case they demanded of President Cleveland to furnish the proof and his reasons for the removal of a district attorney, and he refused, and that is how you gentlemen have gotten wrong on this question. You never got the facts right. He refused to give them the papers that led to the removal of that district attorney, because he said, and the Senate said, and every court has said, that that power was exclusively lodged in him, and it was not the subject of senatorial or judiciary inquiry. But when they came to ask him for the recommendations, the indorsements upon which he appointed the successor of the district attorney in Alabama, patriotic, able, and brave as he was, he turned over to them cheerfully all of the indorsements and every paper bearing on the questions upon which he had made the appointment. [Applause.]

Those are the facts in the Alabama case, and that is the course that President Cleveland pursued. Yea, Grover Cleveland was too good a lawyer to question the Constitution upon this question. [Applause.]

Mr. DAVIS of West Virginia. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from West Virginia?

Mr. CULLOP. Yes; with pleasure.

Mr. DAVIS of West Virginia. I was somewhat surprised at the gentleman's proposition, that the President of the United States might be divested of the power to appoint this judge. It struck me as novel. I want to ask the gentleman what his construction is of this language of section 2 of Article II of the Constitution, referring to the President:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for.

I wanted to ask the gentleman under what clause of the Constitution the appointment of a Federal judge is provided for other than what I have read?

Mr. CULLOP. Listen. The gentlemen who combat my contention do not read all of that provision of the Constitution. I will read the remainder of it:

> But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

[Applause.]

I am talking to you about the real Constitution—all of the Constitution on this proposition. I am talking to you about the Constitution of my country. I am not talking about the Constitution that reactionaries would have to be the Constitution. They seem to only be bound by a part of it. [Applause.]

Mr. PAYNE. You gentlemen ought to have a caucus over there. [Laughter on the Republican side.]

Mr. CULLOP. What is this judge? He is an inferior officer, and that clause of the Constitution gives the right to Congress to put the appointment in the President, in the courts, or in the heads of departments if it sees fit. That is the Constitution of our country, and when you say by statute that the President can appoint this officer, when you say by statute that he shall have the authority to appoint this officer, and this Congress has that power, it likewise has the power to say how he shall appoint him. These propositions are self-evident, and I take it no one will seriously deny it.

Mr. DIES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. CULLOP. I have not the time now. Do you mean to say that the Constitution gives the right to invest a man with power but does not give the right to say how he shall exercise that power? Whenever that comes to be the construction of the Constitution, law writers upon this subject will have to change all that has heretofore been written and said on this question. A new doctrine will be adopted. If the power exists to give a man the right of appointment, the power to define how it shall be exercised may be prescribed. If the power exists to say what will be the qualifications of a judge, the power also exists to define eligibility for the office. One of these propositions follows the other as truly as day and night follow each other.

Now, what was the Andrew Jackson case? I expected some one to refer to that. That case was this: It was a matter about which Congress had nothing to do, for the reason the Constitution lodges in the President the sole power of removal. Congress, however, has something to do about this case, about this judge, because it is one of appointment and not removal. The President was asked to produce a written document of instruction which had been given to the heads of certain subordinate departments of the Government. He declined. Nobody ever questioned his right to decline. But Congress never asked Andrew Jackson to produce the indorsements of any candidate for office but what he responded speedily to the request. Why not? What objection should there be to him or any other President doing so?

Another case that will be cited is the Tyler case. President Tyler refused the request made of him because, as he said, the House of Representatives had not anything to do with the subject matter—had nothing to do with it; there was no law requiring him to produce the information requested; and that was true under the Constitution and under the law of the country.

Mr. DIES. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. CULLOP. Oh, yes; in order to pacify the gentleman. [Laughter.]

Mr. DIES. The gentleman has an hour of our time, and I did not think he would object to a question. I wanted to ask him this: The gentleman from West Virginia [Mr. DAVIS] pointed out section 2 of Article II of the Constitution, which gives to the President the exclusive right to appoint judges, by and with the advice and consent of the Senate. I understood the gentleman from Indiana to point to some provision of the Constitution or some decision of the court, and in the confusion I did not catch the citation of that decision or that provision that did sustain his contention.

Mr. CULLOP. Let me read it to the gentleman again, and then he will concede the mistake he has made. Will the gentleman read the whole provision?

Mr. DIES. With pleasure.

Mr. CULLOP. Let me read. I am reading from page 50, just where the gentleman would leave off—just where he would quit reading. Gentlemen on the other side of this question can hardly ever find this provision of the Constitution:

> But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

This covers the question completely and furnishes authority to sustain our proposition, and completely annihilates the position of our opponents.

Mr. DIES. Will the gentleman allow me to complete my question? The original Cullop amendment embraced the supreme judges of the United States, and they are not included in this provision of the Constitution as to inferior judges. Therefore the gentleman's attempt to dodge this provision of the Constitution does not serve his stead.

Mr. CULLOP. I am not attempting to dodge any provision of the Constitution, but I am standing upon its broad provisions with both feet, while the gentleman is only trying to get in at the back door, and I do not intend to let him do it. [Applause and laughter.] Now for an illustration. We provide by statute who shall be eligible to the Supreme Court. Suppose the President recommended a minor—a man under 21 years of age. He would not be eligible. We say by statute who is eligible to an appointment. The gentleman might as well rise up and say that we have no constitutional authority to say who is eligible to an office. One would be as reasonable as the other.

We say by statutory enactment who is eligible to vote at an election. Yet the constitutions of the States provide for the qualifications of voters. By statute we can disfranchise a man, and he can not vote under that particular clause of the Constitution, although the Constitution in general terms provides who are eligible to vote; yet because he does not comply with the statute he can not vote. The constitution of every State provides that a man must be 21 years old in order to have the right to vote at a general election, but every person of that age may not be eligible to vote. But along comes the legislature of every State in the Union, and according to these great constitutional lawyers, breaks the constitution of the State by saying that a man must reside within the State so long, in the county so long, in the township so long, and in the precinct so long before he shall have the right to vote. Yet the Constitution says that a man over 21 years old shall have the right to vote.

Mr. DIES. Did not the amendment contain these words:

> Hereafter before the President shall appoint any district, circuit, or supreme judge he shall make public all indorsements made in behalf of any candidate.

Mr. CULLOP. Any applicant.

Mr. DIES. Any applicant.

Mr. CULLOP. Certainly.

Mr. DIES. And does not the gentleman recognize that that falls within the express inhibition of the Constitution?

Mr. CULLOP. Oh, no. Not at all.

Mr. DIES. And does not the gentleman admit that he is bound by oath to support the Constitution?

Mr. CULLOP. Yes; and I am arguing with you, trying to keep you from breaking it to-day. [Laughter.] Certainly I do not want you to do that, and that is why I am taking this time on this hot afternoon. The power is given Congress to provide the manner in which appointments shall be made.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MANN. The gentleman speaks of it as a hot afternoon. I have been wondering whether it would not be possible to get an agreement as to the length of debate on both sides on this proposition?

Mr. CULLOP. Let me get through with my line of thought. I am having to combat these big constitutional lawyers on this constitutional question.

Mr. MANN. Could we not get an agreement as to how much time shall be extended on both sides?

Mr. CULLOP. I have an hour. Then, perhaps, somebody else will want the floor.

Mr. MANN. Why not agree on 15 minutes for debate, the gentleman to have the 15 minutes?

Mr. CULLOP. I thought I had more time than that. How much time have I left?

Mr. MANN. The gentleman has more than that; but why not agree to that?

The SPEAKER. The gentleman from Indiana has used 20 minutes.

Mr. CULLOP. After a little bit I will yield for a suggestion as to the time to be agreed upon. Now, upon this question there is no constitutional objection. We have as much right to say the manner in which a President shall appoint a judge of the Supreme Court as we have the right to say the circuit in which he shall preside. No one denies the power of Congress to create and define circuits and to regulate the questions of jurisdiction. It is no invasion of any constitutional provision for Congress to do so.

Mr. MANN. I make the point of order that there is no quorum present, Mr. Speaker.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. CULLOP. I am very sorry the gentleman from Illinois has seen fit to disturb me. I do not often consume a great deal of time, and will not use more now than the occasion requires.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. My only reason was that I thought the gentleman wanted to have a quorum here to listen to him. I was very much entertained by his argument.

The SPEAKER. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. Why, if we are going to spend the evening here we might as well have a quorum. If we can reach an agreement as to the time for debate——

The SPEAKER. Will the gentleman from Indiana give attention to the gentleman from Illinois?

Mr. CULLOP. Certainly.

Mr. MANN. I am perfectly willing to reach an agreement as to how much time shall be extended; but, if nobody knows how long we are going to stay—it is nearly 5 o'clock, and there seems to be no possibility of a vote. I did not know but we could agree on the time. How much time does the gentleman want?

Mr. CULLOP. As I understand, I have 40 minutes of my hour left. I may use all of that, and I may not.

Mr. PAYNE. I hope no part of this comes out of the gentleman's time. [Laughter.]

Mr. CULLOP. I do not want it to come out of my time.

Mr. CLAYTON. If the gentleman from Indiana will permit me, would he not be willing to agree that this debate shall be concluded in 20 minutes, the gentleman to have all of the 20 minutes?

Mr. CULLOP. I do not know whether I would want all of it. Why not make it 30 minutes?

Mr. PALMER. Mr. Speaker, I ask unanimous consent that debate on this proposition shall close at the end of 40 minutes—20 minutes to be controlled by the gentleman from Indiana [Mr. CULLOP], 5 minutes by the gentleman from Texas [Mr. HARDY], 10 minutes by the gentleman from Texas [Mr. DIES], and the balance of the time by the chairman of the committee.

Mr. MANN. I do not understand that. How much time did the gentleman indicate?

Mr. PALMER. I mean 45 minutes—20 minutes to the gentleman from Indiana [Mr. CULLOP], 5 minutes to the gentleman from Texas [Mr. HARDY], 10 minutes to the gentleman from Texas [Mr. DIES], and 10 minutes, we will say, to the chairman of the committee. That will be 45 minutes.

Mr. MANN. Mr. Speaker, I withdraw my point of no quorum temporarily.

The SPEAKER. The gentleman from Illinois withdraws his point of order of no quorum.

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to ascertain from the gentleman from Illinois whether he expects to renew the point of order after the expiration of the 45 minutes.

Mr. MANN. Mr. Speaker, I learned long ago that it is safe to cross bridges when you reach them. At this time I do not expect to.

Mr. SABATH. I know there was a gentlemen's agreement here about three weeks ago that there would be no business transacted, and the Members in good faith left for their homes; but within three days the gentlemen's agreement was broken and some business transacted, and a great many Members placed in a false position.

Mr. MANN, I will say to my colleague that the gentlemen's agreement was not broken on any occasion. No business was transacted which did not come up by unanimous consent. A point of no quorum was made at one time by myself and at another time by some one else. That, however, was a part of the understanding, that a point of order of no quorum could be made.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that debate shall extend for 45 minutes—20 minutes of which shall be given to the gentleman from Indiana [Mr. CULLOP], 5 minutes to the gentleman from Texas [Mr. HARDY], 10 minutes to the gentleman from Texas [Mr. DIES], and 10 minutes to the gentleman from Alabama, the chairman of the committee [Mr. CLAYTON]. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Speaker, this is no new question before Congress. When Andrew Johnson was President of the United States and the Republican Party was in power in both branches of Congress, a law was passed over the veto of the President called the civil tenure of office act. That act required that not only the indorsements for candidates for office should be submitted to Congress but the reasons that impelled the President for making his appointments. He did not object to that portion of the law, but the law went further and provided that he should surrender unto Congress the papers upon which he made removals from office and the reasons which impelled him to make the removals. He controverted that question, because, he said, as the Senate before had said, and the courts of the country had said, that that part of the law was an invasion of the constitutional right of the President. But no Member of Congress, no Senator, nobody appearing for Andrew Johnson in the great impeachment case, denied the power of Congress in the former—the publicity in appointments—but everybody conceded that part of it applying to removals was an invasion of the Executive's constitutional right—that power is solely vested in the President, and has so been conceded from the formation of this Government down to this time. Congress has no power to question the President about the removal from office, because that power is lodged in the President alone. That law led to the impeachment proceedings against Andrew Johnson, and he escaped the impeachment as President of the United States solely upon the ground that that part of the law which required him to furnish the reasons and papers for removal from office was unconstitutional. Nobody questioned the other part in that great trial or at any other time in that long and angry proceeding. The question was then settled on that proposition in accordance with the precedents of all our history.

What man who loves the traditions of his country, who loves its institutions, who believes in its laws and the upholding of its dignity could have an objection to the President furnishing the indorsements upon which he makes an appointment to office? What could be the objection? Is it because he wants to slip a man through and impose upon the President, when the man ought not to have the office, and against whom public opinion would be enraged, or is it because he wants to protect some man in office who ought not to be in office? I would rather stand for this open-door policy that will protect the President from unjust criticism, that will protect the courts from unjust criticism of the manner in which they secure their appointments. Let me put this question. There is unrest in the public mind to-day. Forget not the force and effect it is exercising throughout the Republic. It is better to satisfy public demand than to disregard it. By adopting this provision we trample upon no constitutional provision, we violate no sacred tradition of the law and customs of this Republic. Then yield to public demand and give to the people that which will be a great protection to two branches of this Government, the executive and the judicial. Oh, what would you think of a judge sitting upon the bench who was ashamed to have his indorsements made public? What would you think of an appointing power in this country, the greatest and freest Republic on earth, that was ashamed to make public the indorsements through which he gave some man a public office to administer the laws of this Republic? Let it be open. Turn on the searchlight. You will turn aside criticism and you will inspire confidence, and you will win esteem in the mind of the public for both the appointing power and the appointee.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Indiana reserves 14 minutes.

Mr. HARDY rose.

The SPEAKER. The gentleman from Texas [Mr. HARDY] is recognized for five minutes.

Mr. WINGO rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WINGO. I rise to make a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is it in order to move to adjourn at this point?

Mr. HARDY. Mr. Speaker, I hope the gentleman will withhold for five minutes. I believe I have the floor.

The SPEAKER. It is always in order to move to adjourn whenever you have the floor, but you can not take a man off the floor when he wants to make a speech.

Mr. WINGO. Then, Mr. Speaker, I make the point that there is no quorum present.

Mr. HARDY. Will the gentleman withhold that point for five minutes, until I get this off my stomach. [Laughter.]

The SPEAKER. Does the gentleman from Arkansas make the point of no quorum?

Mr. WINGO. I make the point of no quorum.

The SPEAKER. The Chair will count.

Mr. WINGO. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman withdraws the point of no quorum. The gentleman from Texas [Mr. HARDY] is recognized for five minutes.

Mr. HARDY. Mr. Speaker, I shall not indulge in any heroics. We have listened to some beautiful tributes to the Constitution, of which I think I am fully as fond and to which I am as much devoted as the gentleman who has just addressed the House. But there has not been on that side of the question one single syllable of authority presented to show that the proposition involved in the Cullop amendment is unconstitutional.

I grant that neither this House nor the Senate, without warrant of law, has the right to call upon the President to do anything that he is not required by the Constitution or some law under it to do. The Senate therefore had no right and has no right now to call upon the President for the indorsements under which he has heretofore made an appointment, because there is no law authorizing such a demand; but President Cleveland, recognizing the equity and the good sense and courtesy in the request for the indorsements on which he had made certain appointments, yielded to that request and gave them to the Senate.

The Senate had and has no right to demand of the President that he give his reasons for the removal of an officer, because the Constitution clothes him with the power of removal, and no law authorizes the Senate to demand his reason, and it is doubtful if sound policy would justify such a law. But if we place a law upon the statute books directing or commanding the President of the United States to communicate the indorsements under which he makes an appointment, then he, like every other officer under the Government of the United States, has taken an oath to obey the Constitution, which carries with it an oath to obey all laws made in pursuance of the Constitution. Let us leave out heroics. For my part all this talk about excrescences and putrescences and superior and inferior men—it matters not to me. I have learned that the man who so frequently denounces somebody else as a demagogue—oh, well, it is not worth while to discuss motives. That is not the question. Here is a proposition for a plain law demanding that the indorsements upon which appointments are made shall be made public.

Some gentleman said to me that what he wanted to know about was the indorsements of those who were refused appointment. I do not care who indorsed those who were not appointed. We have nothing to do with that; but when a servant of the people is appointed to high position, there ought to be nothing concealed as to the reasons why he was appointed. I believe there is nothing concealed in the bosom of this President or of past Presidents of the United States; but as was said by the gentleman from Indiana, let everything be done in the daylight.

Oh, it may be charged that it was demagogy to adopt a resolution that hearings before our committees should be held in public; but if that is the case every one of us is a demagogue, for we all voted in favor of the hearings before committees being public. We are all now in favor of having the noonday sun shine upon our own actions and upon all the actions that affect the general welfare of the public.

I do not care who it is, I do not believe there is a single appointee of the President of the United States who ought to ask that his indorsers be kept secret. Some very sensitive or very brave man may think it offends his dignity to require that his political acts be all in the full light, but I don't believe our President has any such feeling. Mark you, this House has no right to-day to demand of the President that he communicate any indorsement for any office, because there is no law providing for such a demand, and it might be presumed that such a demand in some special case only, and not in pursuance of some general policy, was based on some suspicion.

The only good reason that can be urged against the Cullop amendment in this bill is that it is a single appointment, but when it is considered that the amendment is only an application of a general principle which we have heretofore avowed and declared, that reason fails.

Mr. Speaker, I think also that it would, or might, appear insulting if one coordinate branch of the Government should demand of another coordinate branch of the Government that it communicate its reasons for doing a thing done under oath. But if a law is placed upon the statute books requiring certain data upon which action is taken by any officer or servant of the people to be made public, there is no insult. If we, as a House, were to demand of the President certain information that he did not think was properly required, he might well refuse to give it; but I read in the Constitution that an oath or affirmation to support the Constitution must be taken by every Senator and Representative and by every executive and judicial officer of the United States and of the various States. When that oath is taken with a plain law upon the statute books, is not he who takes it bound in good conscience to abide by the law? We could not arrest the President and bring him before any court. Perhaps we might impeach him. The equality of the two branches of Government, legislative and executive, has nothing whatever to do with requiring that the Executive obey his oath to support the Constitution. And it might be a ground of impeachment. But for one it seems to me that it is a simple question as to whether or not we favor as a public policy, as we favored before, publicity for the indorsements of those who are appointed to serve the people. For one I really want the status of all our officials to be so open, so clear, so free from any sinister imputation that all the world may see and find no fault.

Mr. CULLOP. Mr. Speaker, how many minutes have I?

The SPEAKER. Fourteen.

Mr. CULLOP. Mr. Speaker, the gentleman from Texas reminds me a great deal of the old town meeting that I once heard of. Seven old fellows——

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. I wish the gentleman from Indiana would designate which gentleman from Texas he refers to. There are several of them.

Mr. CULLOP. I mean the gentleman from Texas, Mr. DIES. Seven old fellows who could not bear any innovation upon their ideas got together and had a town meeting. The first resolution that they unanimously passed was that no one but the saints should inherit the Kingdom of Heaven, and they then immediately followed it with another resolution that "we seven are all the saints, and therefore we alone shall inherit the Kingdom of Heaven."

I am going to make this statement: The gentleman did, in February, 1912, make an attack on this amendment and cited authorities to sustain his contention, but I will guarantee that the gentleman never read a single one of them, for there is not a single one of them, as a close examination of them will show, that touches this proposition. He referred to one decided case, but that case, when he will read it, he will find was decided upon the question of the power of removal vested in the President and not of appointment, and the President of the United States gets his authority to remove from a different provision of the Constitution altogether. That case arose over a removal and not over the power of appointment. If the gentleman had ever read that case, he never would have cited it here on this proposition, because it has no bearing on it whatever; and what is true of that case is true of every other precedent that he cites. I read every one of them from the first to the last.

Mr. DIES. Mr. Speaker, the gentleman does not mean to do me an injustice.

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. CULLOP. For a question.

Mr. DIES. President Washington's message to the House told them they could not do just what the gentleman wants to do now, and that is based upon the identical provision of the Constitution, and not upon some other one.

Mr. CULLOP. Oh, the gentleman is as wide of the mark as a barn door. It had not any reference to this question. His message was based on a different proposition altogether, and is not similar in any respect. The trouble with the gentleman and those who follow him is that they are not able to distinguish between the two different provisions of the Constitution bearing upon different subjects altogether; one is the power of removal and the other is the power for appointing, and the best evidence of that is that when they come to debate this question they get mad. One of the first things I learned when I began the practice of the law was that if you had the other fellow cornered and he could not escape he was as sure as could be to get mad and go to abusing the other side. The gentleman seems to think that everybody who does not believe with him on this proposition is a demagogue. On what meat does our friend from Texas feed that makes him so much better than anybody else?

Mr. DIES. Mr. Speaker, I protest against such a quotation from Shakespeare.

Mr. CULLOP. Oh, the gentleman has had his time to effervesce. Of course, when he finds that he is absolutely wrong on this question he can not acquiesce. Do you know what is the trouble with those opposing this on the Democratic side? I will tell you the upshot of the matter. This was a proposition advocated by William J. Bryan, the greatest Democrat this country has ever known.

Mr. SLOAN. Where is he now?

Mr. CULLOP. He is Secretary of State now, and he is discharging his duties very well and satisfactorily to the country, and he will continue to do so. [Applause on the Democratic

side.] He honors and adorns that high office, and not only his party, but the country, rejoices that he occupies that high station, and nothing has done more to create the great confidence reposed in the administration of Woodrow Wilson than the selection of William J. Bryan as Secretary of State. [Applause on the Democratic side.] He is the idol of more people in this country to-day than any man that ever lived in it. They believe in his honesty of purpose, his ability, his wisdom, and his nobility of manhood.

He advocated this proposition and certain gentlemen in the House could not be for any proposition he was then advocating, but it is different now. Such an opposition now is not popular. That is what is the matter with them. I remember about hearing of a witness who swore in the case once on trial that a horse was 17 feet high instead of 17 hands high. When they pointed out to him the error he said, "Well, if I said it at first I will stick to it if it kills me." That is the way with the opposition of some to this amendment. They can not get away from the thing that started their opposition. It is very difficult for some people to concede they are wrong even when convinced of the fact. They have no constitutional law, no decisions of any court by which they can draw inferences sufficient to lodge a plausible objection to it. There is not one of them that dares read the authorities cited; if he does he contradicts his position and his defense falls to the ground. Whenever he does he reads himself out of his position.

Why, talk about this decision to which the gentleman refers, and he would have the House believe it decides his point. That question was decided upon the power of removal, under a different clause of the Constitution, and it held that the President had the exclusive right to remove from office; but it decides nothing on the question of appointments.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. HARDY. Is not that an additional ground, with the President taking the oath to obey the Constitution and the laws, and it is a still stronger case, if this be made the law rather than a demand by one branch of Congress?

Mr. CULLOP. Mr. Speaker, most assuredly. I take it that any man elected President of these United States would be too big and too broad to ever question that, and whenever he submitted it to a court or his Attorney General he would be informed that it was his duty to do it. Gentlemen here talk as if the President is empowered by the Constitution to appoint all the officers in this country. Who appoints the fourth-class postmasters? The Postmaster General, and they are not confirmed by the Senate or any other body. Receivers of national banks are public officials, and who appoints them? Not the President, but the Comptroller of the Currency, with the approval of the Secretary of the Treasury, and they are not confirmed by anybody; and yet gentlemen say that this first clause of the Constitution gives the entire power of appointment to the President and to nobody else. We have a right to say by statutory enactment here that the Attorney General shall appoint this judge, and he does not have to be confirmed by anybody. We have a right to say here by a statute that the Secretary of the Treasury shall appoint this judge, and his appointment shall be confirmed by the House of Representatives, if we want to so enact. The Constitution does not prevent it, but provides we may do so; and yet the gentleman from Texas, one of the seven saints, says that nobody but the President can do this. Congress may provide all judges of inferior courts shall be appointed by the Supreme Court. It has authority to enact such a law and take the appointments out of the hands of the President. These appointments may be made as Congress shall direct. The gentleman from Texas has never studied this provision of the Constitution or any of the cases bearing upon it, or he would not make the statement that he does. He got in wrong in February, 1912, because William J. Bryan was advocating this measure in his paper and on the stump throughout the country, and he has never been able to get right since. I believed it was a good law then when there was a Republican President, and I believe it is just as good now when there is a Democratic President. The doctrine is sound; the principle is wholesome; and there is no constitutional obstacle to prevent its enactment or the enforcement of it after it is enacted.

There is no reason why it should be objectionable. Who is going to be harmed by it? Not a single individual. But the gentleman from Texas [Mr. DIES] pleads that the President of the United States must not be embarrassed. I assure him this provision will not embarrass the present Chief Executive. It will not hamper him. He is too big and great and patriotic. A man who would be so constituted would not be big enough to be President of the United States, and no such man as that ever will be President of this great Republic. If a judge is to be appointed in some State, what harm is it going to do for the people of that circuit to have notice before the appointment is made as to who is indorsing the candidate? They have a right to know. They have a right to understand what are the moving forces behind the man who is chosen to administer the laws for them. If this had been the law for the last 20 years the Federal courts of this country would not have been the subject of many of the criticisms that have been poured out against them. Too often the influence of the Federal bench is impaired because of the secrecy attending the manner in which the selection was made. The people believe, whether rightly or not, that sometimes some things are done not in the best interests of the entire public; that forces are exercised in the selection of judges hostile to the best interests of the administration of justice. This should be rectified. If it was open, and the searchlight of publicity turned on, it would have saved the Federal judiciary in many instances from criticism, from the impairment of the influences which it should exert, and the influence which it is unable to exert in many instances all over the country. It would save the appointing power, the President of the United States, in many, many cases from the unjust criticism that is heaped upon him regarding the appointment of judges which the public believe to have been appointed at the special behest of special interests in this country. Does any man believe that Mr. Archbald would have been appointed a judge of the Commerce Court if just such a statute as this had been in effect at the time that his appointment was made? The announcement may have taken the country, the people of his locality, by surprise, but if this method had been properly pursued, they could not have been taken by surprise, but could have prevented his appointment. They would have had an opportunity to come and enter their protest and prevented the appointment, and have saved the judiciary of this country a great disgrace.

The SPEAKER. The time of the gentleman has expired. The gentleman from Alabama [Mr. CLAYTON] is entitled to 10 minutes.

Mr. CLAYTON. Mr. Speaker, inasmuch as Woodrow Wilson is President of the United States and he will appoint judges only on the recommendation of such patriots as the gentleman from Indiana [Mr. CULLOP] and myself, I take it, I yield 3 minutes of my 10 minutes to the gentleman from Pennsylvania [Mr. PALMER], and reserve the rest of my time.

Mr. PALMER. Mr. Speaker, I have taken this time in order to bring the attention of the House back to a matter which apparently has been forgotten around here lately, the Philadelphia district judgeship bill. I thought that the bar of Philadelphia, when it appeared before the Judiciary Committee, I thought that the members of the Judiciary Committee, when they appeared before the House, had convinced everybody that this judge was absolutely necessary for the administration of justice in that district. I believe there is hardly a Member in the House to-day but that agrees with me that we ought to have this judge in Pennsylvania. Yet, if you vote for this proposition of the gentleman from Indiana [Mr. CULLOP], you kill this Philadelphia judgeship bill just as dead as if every man in the House were against it. To what purpose? Not to get legislation upon this question, which seems so dear to your hearts, but simply to take once more a poll of the House upon the proposition. We have had a vote upon the Cullop amendment here this afternoon. Every man has gone on record upon it. If you now follow that up by instructions to the conferees before they go to conference, the Senate will be entirely justified in saying, "We can not confer with you; there is nothing to confer about." Therefore that would be the end of the Philadelphia judgeship bill, and it would be the end of this proposition of publicity of indorsement of judicial applicants. Therefore you can get absolutely nothing beyond what you have already secured—a poll of the House upon the question—by passing this motion to instruct the conferees. On the contrary, if you let it go to conference, it may be that you will be able to persuade the conference and the Senate of the wisdom of the proposal of a large proportion of the House. You stand a chance of putting in the legislation of the country this proposition for which the gentleman from Indiana [Mr. CULLOP] so strongly pleads

Therefore I plead with you, in the name of 3,000,000 people in Pennsylvania who are suffering for the want of this judge, to let this bill go to conference, where the judge can be provided for and justice be given to those people. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I now yield three minutes to the gentleman from Georgia [Mr. BARTLETT].

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] is recognized for three minutes.

Mr. BARTLETT. Mr. Speaker, I did not intend to discuss or raise an issue upon the merits of the amendment. The sole purpose I had in view was to call the attention of the House to the proposition then pending before it—to instruct the conferees—for the reason that I knew just what the gentleman from Pennsylvania has stated, that if that motion prevailed there would be no conference upon this bill.

I knew that, and I knew how important it was to the gentleman from Pennsylvania and the people whom he represents that there should be an opportunity given to the Senate to pass the bill and give the people the relief that the bill proposes to give them.

Another word, Mr. Speaker. I do not care what the gentleman from Indiana [Mr. CULLOP] thinks about the motives of those who voted against what is known as the Cullop amendment, nor am I at all concerned what his views are as to the position some of us occupy upon the constitutionality of such a provision. That does not concern me at all. But when the gentleman suggests that those of us who have always voted against this proposition—and I happen to be one of them—are influenced mainly or solely because the proposition was advocated by the present Secretary of State, so far as I am concerned he shoots wide of the mark.

I happen to be one of those who have taken their political lives in their hands at times in sustaining and advocating the principles advocated by the present Secretary of State. I opposed the Cullop amendment not because Mr. Bryan advocated it, but for the reason that I do not believe that this House has any right under the Constitution to put any such provision as that upon this bill. I still entertain those views, Mr. Speaker, and I can not be induced to yield those views even at the suggestion, erroneous and undeserved as it is, of the gentleman from Indiana to the effect that I was influenced by such motives as he suggests. [Applause.]

I will repeat, Mr. Speaker, that in the long service I have had in this House I recall but one instance where the House has in the first instance instructed its conferees before they had occasion to confer with the Senate. Such a course of procedure is not in accordance with the ordinary decent rules governing the meeting between representatives of the two Houses; and if this motion shall be adopted there will be no reason to expect that the Senate will confer with us, and they should not do so. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. The gentleman from Alabama has one minute.

Mr. CLAYTON. Mr. Speaker, the pending proposition is improper and discourteous to the Senate; that is, to say to the Senate that this House shall instruct its conferees before even the first conference is held. It is unusual. It marks a new event, so far as I know, in parliamentary procedure. What the Senate will do if the House votes in accordance with the contention of the gentleman from Indiana [Mr. CULLOP] I do not know.

As to the Cullop amendment itself, it is of very gravely doubtful constitutionality. But whether it be constitutional or no, it is unwise. It is not in accordance with the Democratic platform, for this reason: The Democratic platform proposes a general law. This is a proposition to make the President give publicity to the indorsement of the particular judge involved in this bill, and no more. It is not a compliance with the Democratic platform, and if it were a compliance with that platform, offered under these circumstances, in this emergency, this denial of public justice to 3,000,000 of people, it is a foolish proposition.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. To ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to speak for five minutes. Is there objection?

Mr. CLAYTON. Mr. Speaker, I understood that the order which was made contemplated a vote upon this proposition without any further debate. That was the unanimous agreement made at the beginning, and I shall have to insist upon it.

Mr. MANN. I hope the gentleman will not insist on that. The gentleman from Alabama has had 45 minutes on that side, and I ask unanimous consent that the gentleman from Connecticut [Mr. DONOVAN] have five minutes and that I have five minutes.

Mr. CLAYTON. Two or three gentlemen were talking to me, and it invariably happens that when I am trying to listen to some gentleman on that side, two or three friends talk to me on this side. I can not hear three men at once.

Mr. MANN. I ask unanimous consent that the gentleman from Connecticut [Mr. DONOVAN] have five minutes and that I have five minutes.

Mr. CLAYTON. If that time is given, I ought to have five minutes myself; but I will not object to the request of the gentleman from Illinois.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Connecticut [Mr. DONOVAN] have five minutes and that he have five minutes. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object——

The SPEAKER. Does the gentleman from Alabama [Mr. CLAYTON] intend to request that he have five minutes, too?

Mr. CLAYTON. I do not, Mr. Speaker. I do not think it will be necessary, and it has been suggested to me repeatedly on this side to move the previous question at the end of the time. I do not think the previous question is necessary, because the agreement had in the beginning provided that a vote should be taken at the expiration of the allotted time. I understand that with the exception of this added 10 minutes, the original order will be preserved, to wit, that we will vote at the expiration of these 10 minutes. Therefore the previous question is not necessary.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. RODDENBERY. Mr. Speaker, I dislike very much, owing to the lateness of the hour, to request any time in this debate at all, but I am constrained to ask for five minutes, and would like to have the gentleman, if he will, modify his request so as to permit me to have five minutes.

Mr. MANN. I will agree to give the gentleman from Georgia a part of my five minutes if I get it.

The SPEAKER. Does the gentleman from Alabama modify his request?

Mr. CLAYTON. I do, in accordance with the request of the gentleman from Georgia.

The SPEAKER. The request, then, is that the gentleman from Connecticut [Mr. DONOVAN], the gentleman from Illinois [Mr. MANN], and the gentleman from Georgia [Mr. RODDENBERY] each have five minutes in the order in which the Chair states it. Is there objection?

Mr. KORBLY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. KORBLY. I desire unanimous consent to extend my remarks in the RECORD.

Mr. CLAYTON. Mr. Speaker, that has already been granted to every gentleman, upon my motion, at the beginning of the debate.

Mr. MANN. Not on this bill.

The SPEAKER. The Chair will first put the request of the gentleman from Alabama. Is there objection to that request?

There was no objection.

Mr. CLAYTON. Now, Mr. Speaker, let the leave to print apply to everybody.

The SPEAKER. The gentleman from Alabama early to-day got unanimous consent that any gentleman who wished to do so might extend his remarks.

Mr. STAFFORD. But that was limited, was it not, to the bill under consideration?

Mr. SABATH. That was on the other bill.

Mr. CLAYTON. I make the same request in regard to this bill.

The SPEAKER. The gentleman makes the same request in regard to this bill. Is there objection?

Mr. MANN. I could not consent to that, Mr. Speaker.

Mr. CLAYTON. Then, Mr. Speaker, I withdraw the suggestion. I wanted to accommodate everybody who wanted to talk or to print.

The SPEAKER. Then the gentleman from Indiana ought to have his request put. Is there objection to his extending his remarks upon this bill?

Mr. BRYAN. Mr. Speaker, I ask to be joined in that request.

The SPEAKER. And the gentleman from Washington.

Mr. DIES. I want to join with the gentleman also, Mr. Speaker.

The SPEAKER. And the gentleman from Texas [Mr. DIES]. Is there objection? [After a pause.] The Chair hears none.

Mr. KORBLY. Mr. Speaker, the gentleman from Indiana [Mr. CULLOP] assumes to read men's minds and fathom their motives. I am reliably informed that he has in private con-

versation explained my opposition to his amendment on the ground that I oppose anything William J. Bryan advocates. Inasmuch as I am earnestly advocating the guaranty of deposits, a measure favored by Mr. Bryan, this statement need not be further extended, because the falseness of Mr. CULLOP'S declaration is made as clear as his motive in uttering it.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] is recognized for five minutes.

Mr. DONOVAN. Mr. Speaker, it strikes me that where we have so many very able lawyers here, capable to state the facts, in this particular case to misrepresent it is not according to our principles. The distinguished gentleman from Pennsylvania spoke here as if the position in question was one of importance. It is the minor court in the United States. It is as the petit justice of the peace is to the higher courts in the States—practically of no importance. The holder of the position passes upon laws and acts of your Congress. For instance, it passes upon statute-made crimes, not crimes at common law. That is the business of the court in the main. There is no suffering, except, perchance, in those who are out on bail, in that they are not brought to trial for possibly a week or two or a month or two later. The crimes consist of infractions of the internal-revenue laws in regard to tobacco and whisky and in regard to mail matters—obscene literature. The number of cases that are taken there that require ability, that require knowledge of the law, is not 3 per cent; and yet we are giving to whoever occupies that position practically a quarter of a million of dollars if he lives the natural life of man. Just think of it—$7,000 a year for life. You can see right away that it works no harm, because when those offices are vacant for a year no one knows it except some one who has a friend that he wants to enjoy that particular plum. That is all. We have cases where there is a vacancy for a year, and the distinguished chairman of the Judiciary Committee, one of the ablest men of our country, knows of that vacancy for months, and great lawyer that he is, knowing that the country is not suffering on account of the vacancy, he does not give it the slightest interest whatever. That is a picture of a lawmaking body, great lawyers, and what a pitiful picture it is.

One word in regard to the question of publicity. Of course in the gentleman's State of Alabama nothing goes wrong. They can not go wrong where the gentleman resides, but in other States they do have judges that do things that are wrong, and the judges ought to be in prison instead of on the bench, and those judges are recommended by men who ought to be in prison instead of at large. The public pays the salary. The public raises the money, and the least they are entitled to is to know the sponsors of these judges. If the distinguished gentleman from Alabama had in his State a crew of judges whose only duty to perform was to issue injunctions and restraining others in order that the public might be plucked, how long would he acquiesce in such a condition or stand for the crowd that benefited by these orders and injunctions, who were the sponsors of the judges—created them, so to speak. Nobody would stand for that. No doubt the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Alabama [Mr. CLAYTON], when this matter came up before in the other Congress, voted for these resolutions, no matter what requires them now to reverse themselves and to vote against them. If you wish to do your duty to mankind and to your oaths, obey the mandate of your convention at Baltimore, the first article of which is about economy in public expense that labor might be lightly burdened. Does it affect the distinguished gentleman from Alabama? The platform pledge at Baltimore goes in the wastebasket as all other rubbish. Thank you, gentlemen.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, in view of the lateness of the hour I yield back my time to the House. [Applause.]

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is recognized for five minutes.

Mr. RODDENBERY. Mr. Speaker, I merely desire, in view of the range the debate has taken on the motion to instruct the conferees, to submit something that occurs to me as being germane to the motion about to be submitted. The House, by a vote of two to one, declined to concur in the Senate amendment. Thereupon the gentleman from Indiana [Mr. CULLOP] moved to instruct the conferees on the part of the House to insist upon the position of the House. Notwithstanding the sentiment of the House touching the Senate amendment to strike out the Cullop-Mann amendment, we find the chairman of the Committee on the Judiciary—and I say so with the greatest respect and with most profound confidence in the chairman of the Judiciary Committee—knowing that he will be one of the conferees on the part of the House, and the other ranking members of the Judiciary Committee in turn conferees on the part of the House—notwithstanding the will of the House has been expressed, we find the chairman of the Judiciary Committee does not content himself with accepting the judgment of the House to act as conferee on the part of the House, but his last language upon the question is the announcement that striking out the provision does not contradict the platform, is unconstitutional, and not only unwise but foolish, and I submit, Mr. Speaker, that under the circumstances——

Mr. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. RODDENBERY. In a moment. Under the circumstances it is a proper occasion for the House to instruct its conferees. [Applause.]

Mr. CLAYTON. Mr. Speaker, will the gentleman——

Mr. RODDENBERY. I state again, not because the House is wanting in confidence in the gentleman from Alabama——

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. RODDENBERY. In a moment.

Mr. CLAYTON. You are misrepresenting the "gentleman from Alabama." The "gentleman from Alabama" demands recognition.

Mr. RODDENBERY. Not out of my time, Mr. Speaker.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is entitled to the floor.

Mr. RODDENBERY. I will yield to the gentleman in a moment, nevertheless.

Under the rules of the House the House has the right to instruct its conferees in the first instance, but under the rules of the House that instruction is not imparted to the Senate as a part of the action of the House, and the Senate therefore can take no cognizance of the instruction on the part of the House, because under the rules it is not communicated to it. If it does go outside, as it has in only one case in previous procedure, and decline to meet our conferees, the Senate can, under its rules, ask for a free conference, and the House can then grant a free conference if it desires. In that case the House will have expressed itself by its instruction to the conferees and it will not operate to defeat the bill of the gentleman from Pennsylvania [Mr. PALMER].

The SPEAKER. The time of the gentleman from Georgia [Mr. RODDENBERY] has expired.

Mr. RODDENBERY. Now I yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. The gentleman has no time to yield. Mr. Speaker, I ask unanimous consent to address the House on the pending matter for five minutes.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. RODDENBERY. Reserving the right to object, and I shall not be offensive——

Mr. CLAYTON. Certainly the gentleman can object.

Mr. RODDENBERY. I reserved the right to object. I should like to concur in that request by asking that I may have the privilege of five minutes.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent, in conjunction with the five minutes the gentleman from Alabama asks for, for five minutes for himself.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama have five minutes and the gentleman from Georgia have five minutes in which to reply to the gentleman from Alabama, and the gentleman from Alabama have five minutes in which to conclude.

Mr. CLAYTON. That exactly suits me. Does the gentleman from Georgia [Mr. RODDENBERY] agree to that?

Mr. CARLIN. I object to the request of the gentleman from Illinois [Mr. MANN].

Mr. CLAYTON. I hope the gentleman will not object.

Mr. CARLIN. All right. I will withdraw my objection.

Mr. CLAYTON. I do not wish to be misrepresented in another speech as I have been misrepresented.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama [Mr. CLAYTON] have five minutes in which to address the House, that the gentleman from Georgia [Mr. RODDENBERY] have five minutes in which to address the House, and, then, that the gentleman from Alabama [Mr. CLAYTON] have five minutes more in which to address the House.

Mr. GARRETT of Texas. I object.

The SPEAKER. The gentleman from Texas [Mr. GARRETT] can not object without rising in his place.

Mr. GARRETT of Texas. I beg the Chair's pardon. Make it two and one-half minutes and I will not object.

The SPEAKER. The gentleman from Texas [Mr. GARRETT] objects.

Mr. RODDENBERY. Will the gentleman withhold the objection for a moment?

Mr. GARRETT of Texas. I withdraw it.

Mr. RODDENBERY. I agree to yield two and one-half minutes of my time to the gentleman from Alabama, and that will give him five minutes.

Mr. GREEN of Iowa. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREEN of Iowa. I understand the gentleman from Alabama [Mr. CLAYTON] made his request for unanimous consent first, and I am asking if that should not be put to the House first?

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] accepted the modification, as the Chair understands it.

Mr. CLAYTON. I would rather have it as the gentleman from Illinois [Mr. MANN] suggested.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama [Mr. CLAYTON] have five minutes, that the gentleman from Georgia [Mr. RODDENBERY] have five minutes, and the gentleman from Alabama [Mr. CLAYTON] then have five minutes. Is there objection?

Mr. GARRETT of Texas. Mr. Speaker, I can not see why they should have 15 minutes more to discuss what the gentlemen will likely discuss here, and I am going to object to that much time.

The SPEAKER. The gentleman from Texas [Mr. GARRETT] objects.

Mr. CLAYTON. Mr. Speaker, may I have unanimous consent for just two minutes in which to reply to a misrepresentation made by the gentleman from Georgia [Mr. RODDENBERY]—unintentionally, I suppose, because he has always been my friend.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. CLAYTON] may proceed for three minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama may proceed for three minutes. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I would like to modify the request by asking for two minutes.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] modifies the request of the gentleman from Illinois by asking for two minutes.

Mr. CLAYTON. Will the gentleman from Georgia occupy the two minutes now, and then I may ask him the question which he denied me a moment ago?

Mr. RODDENBERY. I do not know whether I want the two minutes at all or not, but the gentleman from Alabama discussed this matter for several days——

Mr. CLAYTON. The gentleman is mistaken. We have discussed it to-day.

Mr. MANN. Mr. Speaker, reserving the right to object to the request of the gentleman from Georgia, it has always been the practice, and always will be, that the man in charge of the bill is entitled to close the debate.

Mr. RODDENBERY. I have no objection to that.

Mr. MANN. Now, the gentleman from Georgia [Mr. RODDENBERY] desires to usurp that privilege, and I am not willing he should do that.

Mr. RODDENBERY. Mr. Speaker, if the gentleman from Alabama [Mr. CLAYTON] were addressing himself to the measure independently, I should make no question about it; but——

Mr. MANN. But, regardless of what he is addressing himself to, he is entitled to close. Somebody must, of necessity, speak last.

Mr. CLAYTON. The gentleman from Georgia is not a mind reader.

Mr. RODDENBERY. The gentleman from Georgia has stated exactly what he would do, and I notify the gentleman from Illinois and the gentleman from Alabama——

Mr. CLAYTON. The gentleman's notice is not necessary——

Mr. RODDENBERY. That you will not proceed unless both you and I have a fair opportunity.

Mr. CLAYTON. The gentleman shall have all he wants, and I guess he will need more then.

The SPEAKER. The Chair will state that the precedents and practice for the last 19 years have been that the man in charge has the right to close, and nobody can deprive him of that right.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. The question before the House is the motion of the gentleman from Indiana [Mr. CULLOP], to instruct the conferees, which is contrary to the position of the gentleman in charge of the bill. Now, the question I propound is, Who is entitled to close?

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] has the right to move the previous question on this motion whenever he gets ready.

Mr. MANN. Mr. Speaker, I make this request, that the gentleman from Alabama [Mr. CLAYTON] have three minutes; that the gentleman from Georgia [Mr. RODDENBERY] have three minutes to reply; and that after the gentleman from Georgia replies, the gentleman from Alabama shall have two minutes in conclusion.

Mr. RODDENBERY. That is perfectly agreeable to me.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Mr. Speaker, I shall cut the matter short by making a statement in a minute or in a half a minute, and that statement is that the gentleman from Georgia [Mr. RODDENBERY] wholly misapprehends the position of the gentleman from Alabama. The gentleman from Alabama has opinions. He has expressed those opinions. Those opinions may not coincide with the opinion of a majority in this House, but the gentleman from Alabama, when authorized by the House to do a thing, always endeavors to meet the views of the House if he can, and if he can not——

The SPEAKER. The Chair will suggest to the gentleman from Alabama that nobody has the floor. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama [Mr. CLAYTON] have three minutes, the gentleman from Georgia [Mr. RODDENBERY] three minutes, and the gentleman from Alabama two minutes in conclusion. Is there objection?

Mr. GARRETT of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Texas. I wish to ask, Mr. Speaker, has not the bill been passed, and is it not now beyond the control of the gentleman from Alabama?

Mr. CLAYTON. Mr. Speaker, I move the previous question on the pending measure. [Applause.]

Mr. GARRETT of Texas. I second the motion.

Mr. CLAYTON. I am content, Mr. Speaker, to rest under the misrepresentation made by my friend from Georgia [Mr. RODDENBERY]. I want to do public business.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves the previous question on the pending measure. The previous question is not debatable.

Mr. RODDENBERY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Georgia will state his question of personal privilege.

Mr. RODDENBERY. The gentleman from Alabama [Mr. CLAYTON] makes the statement out of order that he "rests content under the misrepresentation of the gentleman from Georgia." I take exception to those remarks, because they are made out of order and under circumstances when I can not reply. My answer to the gentleman——

Mr. HAY. Mr. Speaker, I make the point of order that the gentleman has not raised a question of personal privilege.

Mr. RODDENBERY. My answer to the gentleman's reflection is——

Mr. HAY. It has no question of personal privilege whatever.

The SPEAKER. The point of order is sustained.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Georgia makes the point of order that no quorum is present, and evidently there is not. The Chair has counted this House half a dozen times this afternoon.

USELESS PAPERS IN THE TREASURY DEPARTMENT.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred a letter from the Secretary of the Treasury, transmitting schedules of papers, documents, etc., on the files of the Department of the Treasury which are not needed in the transaction of public business and have no permanent or historical value, submitted a report (No. 34) thereon, which was ordered to be printed.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House, under the order heretofore made, adjourned until Friday, July 18, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for temporary employees in the General Land Office for the fiscal year ending June 30, 1914 (H. Doc. No. 145); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of Labor submitting an estimate of appropriation for the immigrant station, Ellis Island, N. Y. (H. Doc. No. 144); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 6848) to authorize the Secretary of War to continue and complete the locking and damming of the Cumberland River in Tennessee, above Nashville and to the Kentucky line, and in accordance with the plan heretofore authorized and adopted by river and harbor act of 1886, on or before July 1, 1918, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BURKE of Wisconsin: A bill (H. R. 6849) to amend an act entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States," approved March 3, 1913; to the Committee on the Merchant Marine and Fisheries.

By Mr. McANDREWS: A bill (H. R. 6850) to enlarge the post office at Oak Park, Ill., and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: A bill (H. R. 6851) providing for exchange of lands on reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. GRIEST: A bill (H. R. 6852) to create a postal-note system and facilitate the transmission of small sums through the mails; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 6853) to amend an act entitled "An act relating to the liability of common carriers by railroads to their employees in certain cases," approved April 22, 1908 (35 Stat. L., 65, 66); to the Committee on the Judiciary.

By Mr. MOORE: A bill (H. R. 6854) to provide for the purchase or condemnation of the Chesapeake & Delaware Canal; to the Committee on Railways and Canals.

By Mr. LINDBERGH: A bill (H. R. 6855) requiring the Government to furnish post-office boxes free to regular patrons of post offices in towns, villages, and cities in which there is no free delivery; to the Committee on the Post Office and Post Roads.

By Mr. GRAY: A bill (H. R. 6856) authorizing the Secretary of War to furnish to Sol Meredith Post, No. 55, Department of Indiana, Grand Army of the Republic, of Richmond, in the State of Indiana, four condemned bronze or brass cannon or fieldpieces with their carriages and with suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 6857) to authorize the Secretary of Commerce to have prepared plans, specifications, and estimates of cost for new building for the Bureau of Fisheries; to the Committee on Public Buildings and Grounds.

By Mr. ESTOPINAL: A bill (H. R. 6858) to increase the limit of cost of the public building authorized to be constructed at New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. MORGAN of Louisiana: A bill (H. R. 6859) for the erection of a Federal building at Plaquemine, La.; to the Committee on Public Buildings and Grounds.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 6860) to provide for the purchase of a site and the erection of a public building at Norman, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6861) to provide for the purchase of a site and the erection of a public building at Stillwater, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6862) to provide for the purchase of a site and the erection of a public building at Sulphur, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6863) to provide for the purchase of a site and the erection of a public building at Purcell, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6864) to provide for the purchase of a site and the erection of a public building at Pauls Valley, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of South Carolina: A bill (H. R. 6865) providing for an annual encampment of Union and Confederate veterans; to the Committee on Military Affairs.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 6866) to promote the comfort of passengers and to provide for the separation of the races on street cars, urban, suburban, and interurban cars, and in the various departments of the Government in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LOBECK: A bill (H. R. 6867) to increase and fix the compensation of the collector of customs for the customs collection district of Omaha; to the Committee on Appropriations.

By Mr. CARLIN: A bill (H. R. 6868) to appropriate $11,500 to supplement appropriations previously made for the construction of the roadways from the Highway Bridge across the United States agricultural experimental farm in the State of Virginia, to the southern boundary of the Arlington estate and for the roadway extending north and south in front of the eastern boundary line of the Arlington Cemetery; to the Committee on Appropriations.

By Mr. JOHNSON of Kentucky: A bill (H. R. 6869) repealing all laws limiting the sale of food or raiment to any person in the District of Columbia, etc.; to the Committee on the District of Columbia.

Also, resolution (H. Res. 203) authorizing the Committee on the District of Columbia to investigate and inquire into the condition of the financial relations between the United States and the District of Columbia; to the Committee on Rules.

By Mr. CURRY: Memorial of the Legislature of the State of California relative to the nature and cure of tuberculosis; to the Committee on Appropriations.

Also, memorial from the Legislature of the State of California, relative to the continuance of the Government line of steamers from eastern seaports to Colon, in the Canal Zone, and the continuance thereof to points on the Pacific coast of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, a memorial from the Legislature of the State of California, relative to the proposed restriction of the mint and assay service; to the Committee on Coinage, Weights, and Measures.

Also, a memorial from the Legislature of the State of California, relative to the amendment of the postal laws to permit inspection and treatment of nursery stock consigned through the parcel post; to the Committee on the Post Office and Post Roads.

Also, a memorial from the Legislature of the State of California, relative to the establishment of a Government-owned line of steamships to operate between Atlantic and Pacific ports; to the Committee on the Merchant Marine and Fisheries.

Also, a memorial from the Legislature of the State of California, asking for favorable consideration of the request for aid in the project for relief from floods in the San Joaquin Valley, etc.; to the Committee on Rivers and Harbors.

Also, a memorial from the State Legislature of California, requesting the Congress to authorize the postal savings system to loan its funds to school districts; to the Committee on the Post Office and Post Roads.

Also, memorial from the Legislature of the State of California, relative to the establishment of a national park in Butte County; to the Committee on the Public Lands.

Also, a memorial from the Legislature of the State of California, relative to acquisition of title under the homestead law; to the Committee on the Public Lands.

Also, a memorial from the Legislature of the State of California, relative to the purchase by the United States of the Tioga Road; to the Committee on Roads.

Also, a memorial from the Legislature of the State of California, relative to woman suffrage; to the Committee on the Judiciary.

Also, a memorial from the Legislature of the State of California, relative to the control of floods in the river systems of the Sacramento and San Joaquin Valleys; to the Committee on Rivers and Harbors.

Also, memorial from the Legislature of the State of California, relative to an investigation by the Department of Agriculture of measures for protection of fruit from frost damage; to the Committee on Agriculture.

Also, memorial from the Legislature of the State of California, relative to the continuance of surveys for the construction of storage reservoirs in the Sierra Nevada Mountains; to the Committee on Rivers and Harbors.

Also, memorial from the Legislature of the State of California, relative to the free passage of American ships through the

Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Memorial of the General Assembly of Pennsylvania, favoring the acquisition of a certain tract of land adjacent to the arsenal at Frankford, Philadelphia, for use of the United States; to the Committee on Military Affairs.

By Mr. RAKER: Memorial of the Legislature of California, favoring establishment of a national park in Butte County; to the Committee on the Public Lands.

Also, memorial of the Legislature of California, favoring placing women on an equality with men with respect to citizenship and suffrage; to the Committee on the Judiciary.

Also, memorial of the Legislature of California, favoring a Government owned and operated line of steamships to operate between Atlantic and Pacific ports via Panama Canal; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of California, favoring the purchase of the Tioga Road; to the Committee on Roads.

Also, memorial of the Legislature of California, favoring project for protection of the valleys of the Sacramento and the San Joaquin against floods; to the Committee on Rivers and Harbors.

Also, a memorial of the Legislature of California, favoring control of floods in the river systems of San Joaquin and Sacramento Valleys; to the Committee on Rivers and Harbors.

Also, a memorial of the Legislature of California, favoring amendment of the homestead law; to the Committee on the Public Lands.

Also, a memorial of the Legislature of California, favoring inspection of nursery stock sent through the mails; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 6870) granting an increase of pension to Duff G. Thornburg; to the Committee on Invalid Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 6871) granting a pension to Adolphus Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6872) granting an increase of pension to Josiah Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6873) for the relief of W. J. Poland; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 6874) granting a pension to Charles Strassburg; to the Committee on Pensions.

Also, a bill (H. R. 6875) granting a pension to Daniel B. W. Stocking; to the Committee on Pensions.

By Mr. CLANCY: A bill (H. R. 6876) for the relief of Patrick Burke; to the Committee on Military Affairs.

By Mr. COVINGTON: A bill (H. R. 6877) for the relief of Elizabeth C. Marsh; to the Committee on Claims.

By Mr. CULLOP: A bill (H. R. 6878) granting a pension to Harriett Herzog; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 6879) for the relief of Frank Payne Selby; to the Committee on Claims.

Also, a bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on War Claims.

By Mr. FESS: A bill (H. R. 6881) granting a pension to Sarah E. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6882) granting a pension to Mary Ann Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6883) granting an increase of pension to Charles H. Pickerell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6884) granting an increase of pension to William A. Shrock; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 6885) granting an increase of pension to Jacob Hiller; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 6886) granting an increase of pension to William F. Harsch; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 6887) for the relief of the heirs of Charles M. Butler, deceased; to the Committee on War Claims.

By Mr. MAHER: A bill (H. R. 6888) granting an increase of pension to Annie Baines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6889) granting an increase of pension to Johanna Koerner; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 6890) granting an increase of pension to Sarah Harbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6891) granting an increase of pension to Lewis Parker; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 6892) granting a pension to Lucretia Budd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6893) granting an increase of pension to William B. B. Knight; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 6894) granting an increase of pension to Aaron Snyder; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 6895) for the relief of Amy M. Sorsby; to the Committee on Foreign Affairs.

By Mr. POST: A bill (H. R. 6896) granting a pension to Edward Laughman; to the Committee on Pensions.

Also, a bill (H. R. 6897) granting an increase of pension to Samuel W. McGath; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 6898) to authorize the President of the United States to appoint Pickens Evans Woodson a lieutenant in the Army; to the Committee on Military Affairs.

By Mr. REILLY of Connecticut: A bill (H. R. 6899) granting an increase of pension to Sarah L. Nettleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6900) granting an increase of pension to Rebecca Libbey; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 6901) granting an increase of pension to William J. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6902) granting an increase of pension to William Brassfield; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 6903) authorizing the payment of damages to persons for injuries inflicted by Mexican Federal or insurgent troops within the United States during the insurrection in Mexico in 1911, and making appropriation therefor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6904) authorizing the payment of damages to persons for injuries inflicted by Mexican Federal or insurgent troops within the United States during the insurrection in Mexico in 1911, making appropriation therefor, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 6905) to remove the charge of desertion against George M. Watson; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 6906) for the relief of Lanson Zane; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 6907) granting a pension to Fannie A. Bordeaux; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6908) granting an increase of pension to William H. Shipman; to the Committee on Pensions.

Also, a bill (H. R. 6909) for the relief of Henry Foust; to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 6910) granting a pension to Laura J. Templeton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6911) to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Joseph O'Reilly; to the Committee on Naval Affairs.

By Mr. UNDERWOOD: A bill (H. R. 6912) granting a pension to D. M. Murray; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWN of West Virginia: Papers to accompany bill for the relief of W. J. Poland; to the Committee on War Claims.

By Mr. CURRY: Petition of the Tracy and West San Joaquin Board of Trade, the Stockton Chamber of Commerce, the Society for the Preservation of National Parks, a mass meeting of the citizens of Turlock, and a mass meeting of the citizens of Livingston, all in the State of California, protesting against the passage of House bill 6281, a bill granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. DALE: Petition of the Switchmen's Union of North America, protesting against the passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the Brooklyn Traffic Club, of Brooklyn, N. Y., favoring the continuance of the Commerce Court; to the Committee on Appropriations.

By Mr. FITZGERALD: Petition of the Switchmen's Union of Buffalo, N. Y., favoring the appointment of more inspectors to enforce the safety-appliance laws; to the Committee on the Judiciary.

Also, petition of the Brooklyn Traffic Club, favoring the continuance of the Commerce Court; to the Committee on Appropriations.

Also, petition of 2,000 citizens of Merced and Stanislaus Counties and Livingston, Cal., protesting against diversion of water from lands requiring irrigation; to the Committee on Irrigation of Arid Lands.

Also, petition of the Order of Railway Conductors of America, Cedar Rapids, Iowa, protesting against the passage of legislation repealing, suspending, or amending the present liability laws, Federal or State, unfavorably to the employee; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Petition of sundry merchants of the twenty-first Illinois congressional district, requesting a change made in the interstate-commerce laws in regard to the selling of goods; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia Board of Trade, Philadelphia, Pa., favoring passage of Senate bill 1344 and House bill 1733, for the permanent improvement of the Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. GRIEST: Petition of the Connellsville (Pa.) Chamber of Commerce, favoring the establishing of Federal residences in foreign countries for occupancy by the United States ambassadors, etc.; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of the Art Institute of Chicago, Ill., protesting against increase of duty on paintings and sculpture; to the Committee on Ways and Means.

By Mr. MOORE: Petition of the Pennsylvania State Launderers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. OLDFIELD: Papers to accompany bill for increase of pension for Tennessee A. Blackburn; to the Committee on Invalid Pensions.

By Mr. RAKER: Affidavits to accompany bill (H. R. 1528) for the relief of T. A. Roseberry; to the Committee on the Public Lands.

Also, petition of the Sacramento Chamber of Commerce, of Sacramento, Cal., favoring passage of bill (H. R. 4322) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Democratic county committees of Alameda County, Cal., indorsing the Underwood tariff bill; to the Committee on Ways and Means.

Also, petition of the Board of Education of San Francisco, Cal., favoring passage of Senate joint resolution 5; to the Committee on Education.

By Mr REILLY of Connecticut: Petition of the Meriden Business Men's Association favoring a more efficient and businesslike administration of our consular business, etc.; to the Committee on Foreign Affairs.

Also, petition of the Switchmen's Union of North America, protesting against the passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of sundry manufacturers and merchants of the city of Hartford, Conn., protesting against free cigars from the Philippines; to the Committee on Ways and Means.

By Mr. ROGERS: Petition of the Cambridge (Mass.) Board of Trade, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of sundry citizens of the State of Nebraska, favoring change in the interstate-commerce laws relative to mail-order houses; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of J. C. Jenson, of Scogmo, N. Dak., protesting against the passage of House bill 4653, relative to the sale of drugs and patent medicines; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *July 18, 1913.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

COTTON STATISTICS (S. DOC. NO. 134).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 26th ultimo, certain information showing how the figures referring to cotton goods in the table on page 39 of the report of the Department of Commerce entitled "Foreign Tariff Systems and Industrial Conditions" were obtained, and also the correctness of the statement that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom, etc., which was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAYTON, Mr. WEBB, and Mr. MORGAN of Oklahoma conferees on the part of the House.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented memorials of William Leon Dawson, of Santa Barbara, Cal.; Ellen A. Freeman, of Westerly, R. I.; Mrs. Viola Gray, of Lodi, Cal.; G. F. Kasch, of Akron, Ohio; and of the Pasadena Audubon Society, of Pasadena, Cal., remonstrating against the adoption of any amendment to the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were ordered to lie on the table.

Mr. PERKINS presented a resolution adopted by the Chamber of Commerce of Los Angeles, Cal., favoring the enactment of legislation providing for the permanent improvement of the Diplomatic and Consular Service, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Chamber of Commerce of Berkeley, Cal., favoring an appropriation for the construction of a naval station and dry dock on San Francisco Bay, which was referred to the Committee on Naval Affairs.

Mr. McLEAN presented a resolution adopted by the Connecticut State Branch, United National Association of Post Office Clerks, remonstrating against the repeal of the present civil-service law, which was referred to the Committee on Civil Service and Retrenchment.

Mr. LODGE presented the memorial of R. D. Loveland and 81 other citizens of Melrose, Mass., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Fruit and Produce Exchange of Boston, Mass., favoring the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS presented a memorial of Rebecca Pomroy Tent, No. 44, Daughters of Veterans, of Malden, Mass., remonstrating against any change or alterations being made in the United States flag, which was referred to the Committee on the Judiciary.

TARIFF DUTY ON LEMONS.

Mr. WORKS. I submit a short editorial from the Los Angeles Express bearing on the question of the tariff, which I ask to have read.

The VICE PRESIDENT. Without objection, it will be read.

The Secretary read as follows:

AN OBJECT LESSON.

[From the Los Angeles Express.]

The East is afforded an object lesson as to the consequences that will befall the consumers of lemons when the tariff bars shall have been removed and the Sicilian importers given a practical monopoly of the market along the Atlantic seaboard.

It is a matter of common knowledge throughout the country that an unprecedented period of low temperature last winter enormously injured the lemon crop of southern California. Consequently this section, that of late years has supplied over half the lemons consumed in the United States, has been unable to meet the demand. Sicilian lemons during the first week of July were selling in New York at $8.50 a box, more than twice the price that was asked for them at the same time last year, when they encountered the competition of the California product. It is predicted that the price may go to $10 a box.

Are the consumers of the East so short-sighted as not to see that the Sicilian importers are able to make these extortionate demands only because last winter's frost shut out California's competition this season? Do they not perceive that the proposed reduction of the duty will prove equally effective and exclude California growers hereafter as certainly as if a series of frosts swept their groves?

It is possible that the Treasury will derive a little larger revenue, but its gain will be achieved at tremendous cost to eastern consumers. Freed from California's competition, the Sicilian importers will make eastern lemon consumers pay every year the same extortionate prices this year witnesses.

Mr. STONE. Mr. President, my attention was diverted for a moment, and I inquire what the paper is which was read?

The VICE PRESIDENT. It is an editorial from the Los Angeles Express, which the Senator from California [Mr. WORKS] asked permission to have read. The Chair heard no objection to the reading of it.

Mr. STONE. I shall object to any future readings of that kind. I do not see why a Los Angeles newspaper or any other newspaper should be advertised through the CONGRESSIONAL RECORD. It may be supposed to do somebody a little local good, but it is hardly the proper course to pursue.